

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1879.

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1879.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1879.

Chapter 91.

CHAP. 91.

An Act to amend chapter sixty-seven of the Public Laws of eighteen hundred and seventy-eight.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. Section ten of chapter sixty-seven of the public laws of eighteen hundred and seventy-eight, is hereby amended, so as to read as follows:

Sec. 10, ch. 67, laws 1878 amended.

‘SECT. 10. If there shall satisfactorily appear to said commissioner, reasonable cause to believe that any other person holds any property or credits of the debtor in trust for him, or in fraud of his creditors, or if the petitioner shall make oath that he believes that such other person so holds property of the debtor, the commissioner shall issue a similar subpœna to such person to appear and testify in relation thereto, such subpœna to be served as subpœnas in civil suits. The testimony of such witness may be reduced to writing, and signed by him, and if it shall satisfactorily appear to the commissioner, from all the evidence in the case, that such person so holds property or credits of the debtor, he shall so certify upon the execution; and the creditor shall have a lien upon said property or credits for thirty days succeeding such disclosure, to be enforced by bill in equity or trustee process, and if upon such bill in equity or trustee process, the court find such property or credits so held as aforesaid, it may order such property or credits, or so much of them as may be necessary to satisfy the judgment and all costs, to be conveyed, transferred or assigned to the creditor; and if the parties cannot agree upon the value of such property or credits, they shall be assigned to the creditor, if he shall give such trustee a bond with sufficient surety, accepted by the court, to account for and pay over to said trustee the surplus of the proceeds of such property or credits, after satisfying said judgment and costs.’

Commissioner to issue subpœna to other persons supposed to hold property of debtor.

Testimony may be reduced to writing and signed.

Creditor to have lien upon property or credits held by such person for thirty days.

Property or credits to be assigned to creditor if parties do not agree. Creditor to give bond.

SECT. 2. Chapter sixty-seven of the public laws of eighteen hundred and seventy-eight is hereby amended by adding thereto another section as follows:

Ch. 67, laws 1878, amended.

‘SECT. 16. In any disclosure according to the provisions of this chapter, after the examination of the debtor, other competent evidence may be introduced by either party, and the debtor be then further examined by either party. Depositions may be used in such disclosures, and the commissioner shall have power to issue subpœnas to witnesses at the request of either party, and witnesses shall be entitled to the same fees as witnesses before a trial justice, which shall be taxed by the commissioner and certified in detail on the back of the execution and shall be paid by the debtor.’

After examination of debtor, other evidence to be introduced.

Depositions to be used and commissioner to issue subpœnas.