

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1893.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1893.

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—distribute
Maine reports
and acts and
resolves.

copies so distributed. He shall also procure the usual number of each volume of Maine reports and distribute them and the acts and resolves when published to such corporations, officers and other persons as the legislature designates.'

Approved March 21, 1893.

Chapter 240.

An Act to amend Section sixty-four of Chapter seventy of the Revised Statutes as amended by Chapter forty-six of the Public Laws of eighteen hundred and ninety-one, relating to Insolvency Proceedings.

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

Sec. 64, ch. 70,
R. S., amended.

Section sixty-four of chapter seventy of the revised statutes as amended by chapter forty-six of the public laws of eighteen hundred and ninety-one, is hereby further amended, so that said section sixty-four shall read as follows :

Any person,
whose debts do
not amount to
\$30, may make
assignment.

'SECT. 64. Any person whose debts do not amount to three hundred dollars, may at any time assign, convey and deliver to the register of the court of insolvency in and for the county within which he resides, all his real and personal estate, rights and credits, not exempt from attachment and seizure on execution, together with a schedule of the same, signed by such debtor, and a list of all his creditors, with their places of residence, so far as known by him, and at the same time may apply by petition to the judge of said court, setting forth his inability to pay all his debts in full, and that he has assigned, conveyed and delivered to the register of said court, all his real and personal estate, rights and credits, not exempt from attachment and seizure on execution, together with a schedule of the same, signed by him, and a list of all his creditors, with their places of residence, so far as known by him, and that he wishes to be examined as provided by this section, and to have the oath provided by this section administered to him. Thereupon the judge shall appoint a time and place for the examination of the debtor, which examination may be before the judge, or such person as he appoints to take the same, and the register shall give such notice to the creditors of the debtor, of the time and place of such examination as the judge orders, and any creditor may appear at such exam-

—proceedings.

ination and be heard, and may examine the debtor, under oath, concerning his business, property and effects, and the disposal thereof. Such examination shall be confined within such limits as the judge directs, and in no case shall it extend to any matters arising prior to the time of the contracting of the debts owed by such debtor at the time of his examination. The examination herein provided for shall be in writing, signed by the debtor and filed in the office of the register, and after it has been so filed, the judge shall appoint a time and place for a hearing thereon, and the register shall give such notice to the creditors of the debtor, of the time and place of such hearing as the judge orders, and any creditor may appear at such hearing and be heard, and object to the oath, hereinafter provided, being administered to the debtor, and may show cause why the same should not be administered to him. If upon such hearing, it appears to the judge that the debtor has assigned, conveyed and delivered to the register all his said real and personal estate, rights and credits, not exempt from attachment and seizure on execution, together with a schedule of the same, signed by him, and that he has disclosed the names and places of residence of all creditors so far as known to him, he shall administer to the debtor the following oath :

‘I, _____, swear that the account of my creditors contained in the schedule made and signed by me is true, according to my best knowledge and belief; and I further swear that I have delivered to _____, the register of the court of insolvency, all my estate, rights and credits, except such as are exempt from attachment and seizure on execution; and I further swear that no part of my estate, rights or credits, has been made over, concealed, or disposed of in any manner, for the future benefit of myself, my family, or any other person, or to defraud my creditors.’ Unless the judge has discovered, by such examination, such facts as render it inconsistent for the debtor to take such oath, or finds that any of the statements made by the debtor in or upon said examination are not true. When the debtor has taken and subscribed said oath, the judge shall give him a certificate thereof under his hand and the seal of the court, and thereupon he shall be thenceforth released and discharged from arrest upon mesne process or execution arising from any debt contracted prior to taking such oath, and owing to any creditor named in said schedule, and he shall

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not be required to submit himself to examination under provisions of chapter one hundred and thirty-seven of public laws of eighteen hundred and eighty-seven as to any matters arising prior to the time of taking such oath. This section also applies to any person arrested or committed to jail upon mesne process or execution, and such debtor shall be taken by the jailor, or officer having him in charge, before the court for the purposes herein specified. After the assignment and conveyance herein provided, the register shall dispose of said debtor's property and effects to the best advantage, depositing in his own name as register in such bank as the judge approves, all money coming into his hands belonging to said estate, and keeping and rendering to the judge a strict account of its disposal, and the net proceeds thereof, after deducting the expenses of the proceedings, shall be divided by the register, pro rata, among the creditors of the debtor named in his original schedules, or schedules as amended by order of the judge, and such other creditors as shall have proved their claims before such distribution, in part satisfaction of their respective debts. The judge and register shall be allowed the same fees for their services under this section as they are allowed for similar services in other insolvency proceedings, and when any person is appointed by the judge to take the examination herein before provided, the judge shall allow him a reasonable compensation therefor, and said fees, and compensation shall be paid out of the debtor's assets if they are sufficient, otherwise such fees and compensation, or such part thereof as remains unsatisfied, shall be paid by the debtor before he shall be entitled to take oath heretofore provided. And in all cases arising under this section, the judge may require a reasonable sum of money, to be by him specified, to be deposited with the register by the debtor at the time the assignment and petition is filed, as security for the payment of said fees and compensation. When any person is appointed by the judge to take the examination hereinbefore provided, such person has the same powers as the judge to exclude immaterial or irrelevant questions to the debtor.'