

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 114.

An Act to prevent sales of Merchandise in bulk in fraud of Creditors.

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

Section 1. The sale in bulk of any part or the whole of a stock of merchandise, otherwise than in the ordinary course of trade and in the regular and usual prosecution of the seller's business, shall be void as against the creditors of the seller, unless the seller and purchaser, at least five days before the sale, make a full detailed, inventory, showing the quantity, and, so far as possible with exercise of reasonable diligence, the cost price to the seller of each article to be included in the sale; and unless the purchaser preserve such inventory for inspection by the creditors, or any of them, for thirty days after the completion of the sale; and unless the purchaser demand and receive from the seller a written list of names and addresses of creditors of the seller, with the amount of indebtedness due or owing to each and certified by the seller, under oath to be, to the best of his knowledge and belief, a full, accurate and complete list of his creditors and of his indebtedness; and unless the purchaser, at least five days before taking possession of such merchandise or paying therefor, notify personally or by registered mail every creditor whose name and address are stated in said list of the proposed sale and of the price, terms and conditions thereof. Provided, however, that the preceding provisions of this section shall not apply if the purchaser, before any such sale of merchandise, shall demand and receive from the seller a written list of names and addresses of creditors of the seller, with the amount of indebtedness due or owing to each, and certified by the seller under oath to be, to the best of his knowledge and belief, a full, accurate, and complete list of his creditors, and of his indebtedness, and the seller, prior to such sale, shall deliver to the purchaser a certificate signed and sworn to by the seller that he has in good faith given notice of the proposed sale to all of the creditors whose names are stated in such verified list, and shall also deliver to the purchaser a written waiver of the provisions of this act signed by a majority in number of such creditors, and by creditors holding a majority of the total indebtedness shown by such list.

Sale in bulk of part or whole of stock of merchandise otherwise than in regular course of business void against creditors.

—unless seller and purchaser make inventory.

—and unless purchaser demand and receive written list of creditors.

—with amount of indebtedness.

—and unless creditors be notified of sale, price, etc.

--further provisions.

Section 2. Sellers and purchasers under this act shall include corporations, associations, copartnerships, and individuals, but nothing contained in this act shall apply to sales by executors, administrators, receivers, assignees under voluntary assignment

Corporations, associations, copartnership and individuals included under this act.

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—shall not apply to executors, etc.

When act shall take effect.

for the benefit of creditors, trustees in bankruptcy, or by any public officer under judicial process, or to mortgages made in good faith for the purpose of security only.

Section 3. This act shall take effect July first, in the year of our Lord one thousand nine hundred and five.

Approved March 21, 1905.

Chapter 115.

An Act to amend Sections one hundred, one hundred one and one hundred two of Chapter twenty-three of the Revised Statutes, relating to State Roads.

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

Section 100, chapter 23, R. S., amended.

Towns establishing state roads may receive state aid in improving the same.

—when money shall be expended.

--When aid shall be paid.

Section 101, chapter 23, R. S., amended.

Municipal officers shall make return to county commissioners.

Section 1. Section one hundred of chapter twenty-three of the revised statutes is hereby amended, so as to read as follows:

'Section 100. Towns establishing state roads as aforesaid may, on complying with the conditions hereinafter set forth, receive from the state one-half of the amount actually expended in permanent improvement of said roads, not exceeding three hundred dollars a year; provided, that no town shall receive such state aid unless its expenditure for such road shall amount to at least one hundred dollars, and shall have been exclusive of and in addition to the amount regularly raised in such town for highways and bridges; and provided, also, that the amount so expended shall be used before the first day of October in permanent improvement of a portion of said road, and in a manner satisfactory to the county commissioners of the county wherein said road is located. Said permanent improvement shall be on a continuous portion of said road for at least one year. Such aid shall be paid from the state treasury on and after the first day of January, upon certificate by the governor and council, as provided by the following section.'

Section 2. Section one hundred and one of chapter twenty-three of the revised statutes is hereby amended by striking out the word "October" in the second line thereof and inserting in its place the word 'November,' so that said section as amended, shall read as follows:

'Section 101. Municipal officers of towns improving state roads under the foregoing provisions shall annually before the first day of November make returns under oath to the county commissioners of their county of the amount appropriated and expended by their town in such permanent improvements, the