

HOUSE....No. 128.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 9, 1858.

The Committee on Matters of Probate and Chancery, to whom was referred the Order of this House, instructing the Committee to inquire whether any further legislation is necessary respecting the resignation, removal, and appointment of assignees of Insolvents, report the accompanying Bill.

Per Order,

JOHN A. ANDREW, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-
Eight.

AN ACT

Concerning the Assignees of Insolvents.

Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

1 SECT. 1. In all cases arising under the insolvent
2 laws of this Commonwealth, the choice of assignee or
3 assignees made by the creditors, shall be subject to
4 the approval of the judge of insolvency; and when-
5 ever, from any cause, it shall, in his judgment, be
6 needful or expedient, he may order a new election,
7 and may remove the assignees already chosen; or, he
8 may add, by his own appointment, one or more as-
9 signees to those already chosen.

1 SECT. 2. No election of assignees shall be held
2 except at a regular meeting, or a meeting called for
3 that purpose; nor until after all known creditors of

4 the insolvent shall, in such manner and by such per-
5 son as the judge shall prescribe, be notified thereof in
6 writing.

1 SECT. 3. Any assignee may resign his trust, and
2 may be discharged therefrom, if the judge shall accept
3 his resignation; and any vacancy created in the office
4 of assignee may be filled by election, or by appoint-
5 ment of the court, as the judge shall determine: *pro-*
6 *vided*, that no resignation or removal of any assignee
7 shall in any way release him from the duty of doing
8 and performing all things requisite on his part for the
9 proper closing up of his trust, and the transmission
10 thereof to his successors; nor shall the same in any
11 way affect the liability of the principal or any surety
12 on the official bond given by the assignee in the case.

1 SECT. 4. In case of any such removal or resigna-
2 tion, the judge of insolvency may pass all lawful orders
3 he may deem expedient to secure the proper fulfilment
4 of the duties of the assignee so removed or resigned,
5 under the circumstances of the case, and to secure the
6 just rights and interests of all persons interested in
7 the distribution of the assets of the insolvent.

1 SECT. 5. The register of insolvency may adminis-
2 ter all oaths required in the course of proceedings
3 before the court of insolvency, except the oath con-
4 tained in the seventh section of the one hundred and
5 sixtieth chapter of the statutes of the year eighteen
6 hundred and thirty-eight.

