

## CHAP. CXLII.

An Act to prevent fraud in the attachment of real or personal estate.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all cases where the same estate, whether real or personal, has been attached on mesne process in two or more suits, that the plaintiff, or plaintiffs in any suit, after that in which the first attachment shall have been made, may petition the Court whereto the writ shall be returnable, on which such first attachment shall have been made, at the return term of such Court, or at the next term thereof, if such suit shall still be therein pending, and not afterwards, for leave to defend against such first suit, in like manner as the party therein sued could or might have done.

Petition to Court.

Oath of Petitioners.

SEC. 2. *Be it further enacted,* That the party so petitioning to defend such previous suit, shall set forth in his petition such matter as he may see fit, to entitle himself to defend in such previous suit, and shall make oath that all facts by him stated in his petition are true, or are by him believed to be so, and it shall be in the discretion of the Court to grant the prayer of such petition or not, as to the Court may seem just and proper.

Bond of Petitioners.

SEC. 3. *Be it further enacted,* That if the Court shall permit such petitioner to defend as prayed for, the petitioner shall give bond, or enter into recognizance, in such manner as the Court shall order, to pay to the plaintiff in such previous action, all such costs and damages as the Court shall adjudge and decree to have been occasioned to the plaintiff by such defence; and in case a recognizance shall have been entered into, and the petitioner shall fail in the defence of such action, the Court shall award execution on such recognizance in favor of the plaintiff therein, and against the petitioner, and shall proceed

to render judgment in the original suit between the parties thereto, as though such defence had not been made.

SEC. 4. *Be it further enacted*, That if the petitioner shall prevail in defending against such previous action, either by verdict of a jury, or by the confession of the plaintiff, or by the plaintiff's neglecting to prosecute his said action, the Court shall render judgment thereon, and shall award execution to the petitioner for his reasonable costs; and such judgment shall be rendered for costs, if any, to the party sued in such action, as the Court may direct.

Judgment of  
Court.

SEC. 5. *Be it further enacted*, That whenever any such petitioner shall be admitted to defend as aforesaid, and shall have given bond, or shall have entered into recognizance, as herein before provided for, it shall be entered on the record of the Court that such petitioner is so admitted to defend, and in case of appeal or process in error, such admission to defend shall appear of record.

Record of peti-  
tioner's defence.

[Approved by the Governor, February 21st, 1824.]

### CHAP. CLXIII.

An Act to repeal An Act, entitled "an Act against self-murder."

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an Act entitled "An Act against self-murder," passed in the year of our Lord one thousand six hundred and sixty, and providing that the bodies of persons who shall be guilty of self-murder shall be buried in some public highway, be, and the same is hereby repealed.

[Approved by the Governor. February 21st, 1824.]