

# SENATE . . . . No. 504

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## The Commonwealth of Massachusetts

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SENATE, May 10, 1935.

The joint committee on the Judiciary, to whom was referred so much of the tenth annual report of the Judicial Council (Pub. Doc. No. 144) as relates to the investigation requested by the General Court of 1934 relative to attachment of motor vehicles on mesne process in civil actions (page 40), report the accompanying bill (Senate, No. 504).

For the committee,

JOHN D. MACKAY.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act regulating the Attachment on Mesne Process in Civil Actions of Motor Vehicles registered under the Laws of the Commonwealth.

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

1 SECTION 1. Section forty-two of chapter two hun-  
2 dred and twenty-three of the General Laws, as ap-  
3 pearing in the Tercentenary Edition, is hereby amended  
4 by striking out, in the fifth line, the word "three"  
5 and inserting in place thereof the word: — four, — so  
6 as to read as follows: — *Section 42.* All real and  
7 personal property liable to be taken on execution,  
8 except such personal property as, from its nature or  
9 situation, has been considered as exempt according to  
10 the principles of the common law as adopted and  
11 practiced in the commonwealth, and except as pro-  
12 vided in the four following sections, may be attached  
13 upon the original writ in any action in which debt or  
14 damages are recoverable, and may be held as security  
15 to satisfy such judgment as the plaintiff may recover;  
16 but no attachment of land shall be made on a writ  
17 returnable before a district court unless the debt or  
18 damages demanded therein exceed twenty dollars.

1 SECTION 2. Said chapter two hundred and twenty-  
2 three is hereby amended by inserting after section

3 forty-four, as so appearing, the following new sec-  
4 tion: —

5 *Section 44A.* Motor vehicles registered under the  
6 laws of the commonwealth shall not be attached on  
7 mesne process in a civil action unless the written  
8 consent of a judge or justice of the court in which  
9 such action is commenced to such attachment is  
10 endorsed in the writ. Such consent shall be signed  
11 by such judge or justice.

The first part of the history of the  
country is divided into three periods  
the first of which is the period of  
the early settlement of the country  
the second is the period of the  
growth of the country and the  
third is the period of the  
decline of the country.