

HOUSE No. 931

By Messrs. Ferguson of Lexington and Brown of Beverly, petition of Charles E. Ferguson and Russell P. Brown relative to unfair competition through the solicitation or procurement of certain choses in action and remedies therefor. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO UNFAIR COMPETITION THROUGH THE SOLICITATION OR PROCUREMENT OF CERTAIN CHOSSES IN ACTION, AND REMEDIES THEREFOR.

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

1 Chapter ninety-three of the General Laws, as ap-
2 pearing in the Tercentenary Edition thereof, is hereby
3 amended by adding at the end of said chapter the
4 following new section: —

5 *Section 42.* Whoever, as principal or agent, di-
6 rectly or indirectly, makes a practice of soliciting or
7 attempting to procure the substitution of himself, his
8 principal, agent or nominee as obligee in any existing
9 chose in action, whether unsecured or secured by
10 mortgage or otherwise, shall be liable in tort for un-
11 fair competition to any person who by such practice
12 is deprived of or disturbed in his possession of any
13 such chose in action, in the amount of the principal

14 balance of such chose in action at the time of such
15 solicitation or attempt to procure, with reasonable
16 attorneys' fees in addition to his statutory costs. In
17 actions under this section, the fact that the defend-
18 ant has solicited or attempted to procure any such
19 choses in action on two or more occasions shall be
20 prima facie evidence that the defendant has made a
21 practice of soliciting or attempting to procure such
22 substitution.