

By Mr. Plunkett of Lowell, petition of Patrick F. Plunkett that district courts be granted jurisdiction in equity in suits by creditors to reach and apply. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT TO GRANT THE DISTRICT COURTS JURISDICTION IN EQUITY  
IN REACH AND APPLY CASES.

*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 3 of chapter 214 of the General Laws  
2 is hereby amended by striking out clauses (7), (8), (9) and  
3 (10).

1 SECTION 2. Chapter 214 of the General Laws is hereby  
2 amended by inserting after section 3 the following section:—

3 *Section 3A.* The supreme judicial, superior and district  
4 courts shall have original and concurrent jurisdiction in  
5 equity of the following cases:

6 (1) Suits by creditors to reach and apply, in payment of a  
7 debt, any property, right, title or interest, legal or equitable,  
8 of a debtor, within or without the commonwealth, which  
9 cannot be reached to be attached or taken on execution in  
10 an action at law, although the property sought to be reached  
11 and applied is in the possession or control of the debtor inde-  
12 pendently of any other person or cannot be reached and  
13 applied until a future time or is of uncertain value, if the  
14 value can be ascertained by sale, appraisal or by any means  
15 within the ordinary procedure of the court. In such suit,

16 the interest of the defendant in partnership property may be  
17 reached and applied in payment of the plaintiff's debt; but  
18 unless it is a judgment debt, the business of the partnership  
19 shall not be enjoined or otherwise interrupted further than to  
20 restrain the withdrawal of any portion of the debtor's share  
21 or interest therein until the plaintiff's debt is established; and  
22 if either partner gives to the plaintiff a sufficient bond, with  
23 sureties approved by the clerk, conditioned to pay to the  
24 plaintiff the amount of his debt and costs within thirty days  
25 after it is established, the court shall proceed no further  
26 therein than to establish the debt; and upon the filing of such  
27 bond, any injunction previously issued in such suit shall be  
28 dissolved.

29 (2) Suits to reach and apply shares or interests in corpora-  
30 tions organized under the laws of the commonwealth or of the  
31 United States, and located or having a general office in the  
32 commonwealth, whether the plaintiff is a creditor or not,  
33 and whether the suit is founded upon a debt or not.

34 (3) Suits to reach and apply in payment of a debt any  
35 property, right, title or interest, real or personal, of a debtor,  
36 liable to be attached or taken on execution in an action at  
37 law against him and fraudulently conveyed by him with  
38 intent to defeat, delay or defraud his creditors, or purchased,  
39 or directly or indirectly paid for, by him, the record or other  
40 title to which is retained in the vendor or is conveyed to a  
41 third person with intent to defeat, delay or defraud the  
42 creditors of the debtor.

43 (4) Suits to reach and apply the obligation of an insurance  
44 company to a judgment debtor under a motor vehicle liability  
45 policy, as defined in section thirty-four A of chapter ninety,  
46 or under any other policy insuring a judgment debtor against  
47 liability for loss or damage on account of bodily injury or  
48 death or for loss or damage resulting therefrom, or on account  
49 of damage to property, in satisfaction of a judgment covered  
50 by such policy, which has not been satisfied within thirty  
51 days after the date when it was rendered.