

# HOUSE . . . . No. 684

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Bill accompanying the petition of Corinne M. Lewis and others relative to the attachment of real and personal property. Joint Judiciary. January 15.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fifteen.

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### AN ACT

Relative to the Attachment of Real and Personal Property.

*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. Hereafter, in any action at law or in  
2 equity, or in any mesne process issuing out of or return-  
3 able to any court of record in this commonwealth, no  
4 attachment of lands, houses or real property of any  
5 kind, nature, or description, shall be made, nor any  
6 trustee process shall issue, unless the person or persons,  
7 corporation, party or parties, plaintiff, or their executors  
8 or administrators shall first execute, deposit and file a  
9 bond in a penal sum equal in amount to the ad damnum  
10 named in the writ, with good and sufficient unencum-  
11 bered real estate, or cash, security, in the office of the  
12 clerk of said court of record out of which any writ,  
13 summons, or process may issue or be returnable to.

14 The said bond, with security as aforesaid, shall be so  
15 required and given as security or costs that may ensue,  
16 upon final issue, to the party, or parties, defendant.

1 SECTION 2. Before any such bond with such security  
2 as required in section one of this act is so deposited and  
3 filed, the clerk of said court of record shall demand and  
4 require that an affidavit, duly signed and sealed, shall be  
5 executed before the judge, an associate judge of said  
6 court, or a duly appointed master in chancery for the  
7 county where said suit is brought, by the person or  
8 persons, corporation, party or parties, plaintiff, their  
9 executors or administrators, that they have a good and  
10 sufficient cause of action to justify the issuing of any  
11 such attachment, as aforesaid.

1 SECTION 3. Hereafter, in any action at law, or in  
2 equity, or in any mesne process issuing out of, or return-  
3 able to, any court of record in this commonwealth, no  
4 attachment of personal property of any kind, nature, or  
5 description, shall be made, nor shall any trustee process  
6 issue, unless the person or persons, corporation, party  
7 or parties, plaintiff, their executors or administrators,  
8 shall first execute, deposit and file, a bond in a penal  
9 sum equal in amount to the ad damnum named in the  
10 writ, with good and sufficient unencumbered real estate,  
11 or cash, security, in the office of the clerk of said court  
12 of record out of which any writ, summons, or process,  
13 may issue, or be returnable to. The said bond, with  
14 such security as herein required, shall be so given as  
15 security for costs that may ensue, upon final issue, to the  
16 party, or parties, defendant.

1 SECTION 4. Before any such bond with security, as  
2 required in the preceding section of this act, is so depos-

3 ited and filed, the clerk of said court of record shall  
4 demand and require that an affidavit duly signed and  
5 sealed before the judge, an associate judge of said court,  
6 or a duly appointed master in chancery for the county  
7 where said suit is brought, be executed by the person  
8 or persons, corporation, party or parties, plaintiff, their  
9 executor or administrators, that they have a good and  
10 sufficient cause of action to justify the issuing of any  
11 such attachment as provided for in this act. The official  
12 before whom such affidavit is made shall receive a legal  
13 fee of one dollar therefor.

1 SECTION 5. The provisions of the four preceding sec-  
2 tions of this act are not to apply, nor be required, in any  
3 suit or action at law, or in equity, where the cause of  
4 action arises for non-payment of wages, salaries, or earn-  
5 ings for personal services rendered.

