

HOUSE No. 906.

[Bill accompanying the petition of Francis J. Horgan for legislation relative to contracts for conditional sale of personal property. Judiciary. Feb. 4.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and One.

AN ACT

Relative to Contracts for the Conditional Sale of
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. Contracts for the conditional sale
2 or transfer of personal property, if there be a
3 change of possession of the same, shall be in
4 writing and shall contain a full and accurate
5 description of the goods, articles or things sold
6 or transferred, for the purpose of identification,
7 together with any designating numbers or marks;
8 and all conditions and reservations which provide
9 that the ownership of such property is to remain

10 in the person contracting to sell, or in any other
11 person than the one contracting to buy, or until
12 the occurring of any future event or contingency
13 shall be in writing, and such contracts shall be
14 recorded on the records of the city or town where
15 the seller resides when the sale or contract is
16 made and on the records of the city or town in
17 which he then principally transacts his business or
18 follows his trade or calling; and if the buyer re-
19 sides or transacts his business in a different city
20 or town from that of the seller, the record shall
21 be made also in the city or town of the residence
22 or business of said buyer. Unless record shall be
23 made as aforesaid within twenty-four hours from
24 and after making of such sale or contract it shall
25 be deemed absolute and without condition or
26 reservation, in favor of any subsequent purchaser,
27 mortgagee or pledgee in good faith.

1 SECTION 2. City and town clerks upon pay-
2 ment of their fees shall record in books kept for
3 that purpose all contracts for conditional sales of
4 personal property delivered to them, noting in
5 said book and each contract the time when such
6 contract is received, and every such contract shall
7 be considered as recorded at the time when it is
8 left for that purpose in the clerk's office. Fees
9 for recording and all other services relative
10 thereto shall be the same as are allowed to
11 registers of deeds for like service.

1 SECTION 3. If personal property, sold or

2 transferred as provided in section one of this
3 act, shall be retaken by the seller or his succes-
4 sor in interest, it shall be kept for thirty days,
5 during which time the buyer, or any purchaser,
6 mortgagee or pledgee for him or his or their suc-
7 cessors in interest may fulfil the conditions of
8 such sale or contract, and thereupon be entitled
9 to receive the property.

1 SECTION 4. This act shall take effect upon its
2 passage.

