

SENATE No. 61.

To accompany the petition of Henry M. Hutchings for legislation to allow an action for damages for injury to property to be brought by one or more joint tenants or tenants in common. Joint Judiciary.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Five.

AN ACT

To allow an Action for Damages for Injury to Property to be brought by One or More Joint Tenants or Tenants in Common.

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. Where injury is done to land or
2 other property owned by joint tenants or tenants
3 in common, any one or more of such owners may
4 bring an action for the recovery of damages for
5 the injury done to their respective shares. The
6 pleadings shall set forth all the parties interested
7 in said property, and if it appears that less than
8 the whole number of parties interested have

9 brought the action, the court in which the action
10 is pending shall order the parties so bringing
11 the action to give notice thereof to all other
12 parties interested by serving on each of them,
13 fourteen days at least before the next regular
14 return day of the court in which such action is
15 pending, an attested copy thereof and of the
16 order thereon, that they may become parties to
17 the proceedings; and such other parties may
18 appear and become party plaintiffs on or before
19 said return day; and thereafter such damages
20 shall be estimated in the manner provided with
21 reference to the laying out of highways under
22 sections twenty-two to twenty-five inclusive of
23 the Revised Laws.

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