

HOUSE . . . . . No. 256.

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[House No. 230, as amended, and ordered to a third reading.]

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Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety.

AN ACT

To enable Persons to whom a Debt is due, if it were not for a Lien on Buildings and Land, to dissolve such Lien by Bond.

*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. Any person to whom, if it were  
2 not for a lien for performing or furnishing labor  
3 or materials or both in the erection, alteration or  
4 repair of a building or structure upon real estate,  
5 a debt would be due for performing or furnishing  
6 labor or materials or both on such real estate,  
7 may at any time before final judgment in a suit  
8 brought to enforce such lien, release such real  
9 estate from such lieu by giving a bond to the  
10 party claiming the lien with sufficient sureties to

11 be approved in writing by such party or his  
12 attorney, or by a master in chancery, and with  
13 condition to pay such party within thirty days  
14 after final judgment in such suit the amount, if  
15 any, for which such lien shall be established with  
16 all costs of suit, provided that nothing herein  
17 contained shall authorize the release by bond of  
18 any real estate from a lien claimed for personal  
19 labor performed thereon by the petitioner.

1     SECT. 2. No sureties shall be deemed sufficient  
2 for the bond referred to in section one, unless  
3 they are satisfactory to the party claiming the  
4 lien or to his attorney, or unless it is made  
5 clearly to appear to the master that each one,  
6 if there are only two, is worth above what will  
7 pay his debts a sum equal to twice that for which  
8 the lien is claimed, or if there are more than two,  
9 that they are together worth four times that sum.

1     SECT. 3. The bond referred to in section one,  
2 shall contain a description of the property released,  
3 and shall be recorded, and the bond may be taken  
4 from the registry, as provided in section forty-  
5 three of chapter one hundred and ninety-two of  
6 the Public Statutes, and the lien shall not be  
7 dissolved until the bond is so recorded.

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