

# HOUSE . . . . . No. 295.

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HOUSE OF REPRESENTATIVES, Jan. 26, 1899.

[Introduced on leave by Mr. Driscoll of Chicopee. Judiciary.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-nine.

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### 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. Section two of chapter three hun-  
2 dred and thirteen of the acts of the year eighteen  
3 hundred and eighty-four, as amended by chapter  
4 four hundred and eleven of the acts of the year  
5 eighteen hundred and ninety-two, as amended by  
6 chapter five hundred and forty-five of the acts of  
7 the year eighteen hundred and ninety-eight, is  
8 hereby amended by striking out, in the seventh  
9 and thirteenth lines thereof, the word "thirty,"  
10 and inserting in place thereof the words "forty-

11 five;" also by striking out, in the seventeenth  
12 line thereof, the words "seventy-five," and insert-  
13 ing in place thereof the word "sixty," so as to  
14 read as follows:—

15 *Section 2.* The vendor before taking posses-  
16 sion of such furniture or effects for non-com-  
17 pliance with the terms of such contract of sale,  
18 shall furnish the vendee or other person in charge  
19 of such furniture or effects an itemized statement  
20 of the account, showing the amount then due  
21 thereon, and shall make a demand in writing for  
22 the balance then due, at least forty-five days  
23 before taking possession; and the fifteen days  
24 provided by section thirteen of chapter one hun-  
25 dred and ninety-two of the Public Statutes during  
26 which the vendee shall have the right to redeem  
27 the furniture or household effects so taken shall  
28 not begin to run until such statement is furnished  
29 and such demand made, and until the forty-five  
30 days above-named have expired, provided the  
31 vendee or other person in charge can be found  
32 by the vendor by the exercise of reasonable care  
33 and diligence. And in all cases where sixty per  
34 centum or more has been paid upon the contract  
35 price by the vendee, upon default in the condi-  
36 tions of the lease by the vendee, after the expira-  
37 tion of the fifteen days as now provided by law,  
38 for the vendee's equity of redemption, the goods  
39 so forfeited shall be sold by the vendor at public  
40 auction when the vendee or his legal representa-  
41 tive shall request in writing the vendor so to do,  
42 and the sale shall be duly advertised in one of

43 the principal newspapers published in the city or  
44 town where the goods are situated, or if there is  
45 no such paper, in one of the principal newspapers  
46 published in such county, notice to be published  
47 at least three days prior to the time of sale, and  
48 the balance of the price of said sale, after deduct-  
49 ing the balance due the vendor on the contract  
50 price and the actual expenses of the auction sale,  
51 shall be paid to the vendee or his legal represen-  
52 tatives, and in case the vendor refuses or neglects  
53 to sell as provided herein, the right to redeem  
54 shall not be deemed to have been foreclosed.

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

