

HOUSE No. 797

Bill accompanying the petition of Charles W. Stebbins and others for legislation relative to suits in equity. Joint Judiciary. January 26.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to Suits in Equity.

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 eight of chapter one hundred and
2 fifty-nine, Revised Laws, is hereby amended by adding
3 thereto the following: — When a suit in equity is com-
4 menced by an original writ as provided in said section,
5 such writ may at any time after service thereof, before
6 the return day, be entered in the court to which it is
7 returnable and thereupon the court may make such orders
8 as to attachment, arrest, injunction or for dissolving
9 the same, or such other orders as the court would have
10 had power to make if the suit had been commenced by
11 bill or petition, — so that the same as amended shall

12 read as follows:— *Section 8.* Suits in equity may be
13 commenced by bill or petition, with a writ of subpoena
14 according to the usual course of proceedings in equity,
15 or by an original writ of summons or of summons and
16 attachment or by the trustee process, or may be com-
17 menced by a declaration in an action of contract or tort,
18 as the case may be, with or without an order for the
19 attachment of the property or arrest of the defendant,
20 and shall be returnable on the return days prescribed
21 by section twenty-four of chapter one hundred and sixty-
22 seven or on the rule days established by the court. When
23 a suit in equity is commenced by an original writ as pro-
24 vided in said section, such writ may at any time after
25 service thereof, before the return day, be entered in the
26 court to which it is returnable and thereupon the court
27 may make such orders as to attachment, arrest, injunc-
28 tion or for dissolving the same, or such other orders as
29 the court would have had power to make if the suit had
30 been commenced by bill or petition.

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