

SENATE No. 186.

Commonwealth of Massachusetts.

IN SENATE, April 18, 1864.

The Committee on the Judiciary, to whom was committed the Order to inquire whether any legislation is expedient upon the subject of the Assessment of Damages under Writs of Entry, report the accompanying Bill.

Per order,

DARWIN E. WARE.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Four.

AN ACT

In relation to Writs of Entry.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

1 SECT. 1. When the demandant in a writ of entry
2 is found entitled to judgment, the court may allow
3 him to have the same, and his writ of seizin
4 thereon, before the sums due for rents and profits, or
5 other damages, or for improvements, have been
6 assessed.

1 SECT. 2. When the tenant has entered on the
2 record the suggestion of a claim for improvements,
3 the demandant before taking out his writ of seizin
4 shall furnish such security, or pay into court such
5 sum of money as the court may order for the pur-

6 pose of securing to the tenant, the payment of any
7 balance that may be found due to him for such
8 improvements.

1 SECT. 3. If a balance is found due to the tenant
2 for such improvements, he may have judgment and
3 execution therefor, or he may collect the same with
4 all reasonable costs and expenses of such collection,
5 out of the security furnished, or receive the same out
6 of the money paid into court, the residue of which
7 shall be returned to the demandant.

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