

HOUSE No. 338.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 5, 1886.

The Committee on the Judiciary, who were instructed to consider the expediency of such legislation as will enable any person having funds claimed by two or more persons to compel such claimants to take such action as may be necessary to determine the ownership of the funds so claimed at the expense of said claimants or of the funds so claimed, report the accompanying Bill.

For the Committee,

PHILIP J. DOHERTY.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-six.

AN ACT

To permit a Defendant in an Action at Law to require Adverse Parties claiming Funds in his Hands to Interplead.

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

1 In all actions in which a liability is admitted
2 by the defendant, and the amount of such liability
3 is not in dispute, if it appears that such amount
4 is claimed by another party than the plaintiff,
5 whether by the husband or wife of said plaintiff
6 or otherwise, and that the defendant has no in-
7 terest in the subject-matter of the controversy,
8 the court in which such action is pending, on the
9 petition of the defendant, which petition shall
10 give the name and residence of all known claim-
11 ants and the amount actually due from the de-
12 fendant, and on such notice as the court may

13 order to the plaintiff and to such claimant, may
14 order the proceedings to be amended by making
15 such claimants parties defendant thereto, and
16 thereupon the rights and interests of the several
17 parties in and to said amount shall be heard and
18 determined. Such amount may remain in the
19 hands of the defendant until final judgment, and
20 shall then be paid in accordance with the order
21 of the court, or may be paid into court to await
22 final judgment; and, when so paid into court, the
23 defendant shall be stricken out as a party to the
24 action, and his liability for said amount shall
25 cease. The taxable costs of the defendant in
26 such actions shall be in the discretion of the
27 court, and may be charged upon the fund.

