

HOUSE....No. 204.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 15, 1859.

The Committee on Probate and Chancery, to whom was committed the Order of Mr. Lothrop, of Boston, relative to extension of Equity Jurisdiction of Supreme Court to cases of breaches of condition annexed to real estate, report the accompanying Bill.

Per Order,

T. H. RUSSELL, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Fifty-  
Nine.

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### AN ACT

In addition to the several Acts giving to the Supreme  
Judicial Court Jurisdiction in Equity.

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

1    SECT. 1. The supreme judicial court shall have  
2 jurisdiction in equity for the relief of breaches of con-  
3 ditions subsequent annexed to real estate.

1    SECT. 2. As to conditions created before this act  
2 takes effect, the relief shall be limited to cases where a  
3 substantial performance of the condition may be had,  
4 and compensation for the breach made in damages.

1    SECT. 3. As to conditions created after this act  
2 shall have taken effect, such relief shall extend to all  
3 cases where compensation for the breach may be had  
4 in damages.

1 SECT. 4. The damages shall be assessed by the  
2 jury, unless the parties shall otherwise elect.

1 SECT. 5. Nothing herein contained shall apply to  
2 conditions created in any deeds of mortgage now  
3 made, or which shall hereafter be made.

