

## An Act concerning Arrest in Cases of Tort.

## Chap. 249

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

SECT. 1. No person shall be arrested on mesne process in any action of tort unless the plaintiff in said action, or some person in his behalf, shall make oath to the satisfaction of some disinterested justice of the peace that he believes, and has reason to believe, that he has a good cause of action against the defendant, that he has a reasonable expectation of recovering a sum equal at least to one-third the damages claimed in the writ, and that he has reason to believe that the defendant is likely to remove beyond the jurisdiction of the court to which the writ is returnable, so that execution, if obtained, cannot be served upon him, and such affidavit shall be endorsed on or attached to the writ with a certificate of the justice that he is satisfied of the truth thereof. The fee of the justice for such examination shall be one dollar, which shall be paid by the plaintiff before his examination, and shall be taxed as a portion of his costs if the certificate is granted, and if the plaintiff prevails in his action.

Plaintiff to make oath, etc.

Justice to certify, etc.

Fee paid by plaintiff.

SECT. 2. No arrest on mesne process shall be made in any action brought for slander, or in any civil suit for libel.

No arrest for slander or libel.

SECT. 3. Chapter sixty-three of the acts of eighteen hundred and fifty-four is hereby repealed.

Act of 1854 repealed.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, April 28, 1855.]

An Act to authorize J. and B. Lewis to construct a Railroad Track in the Town of Provincetown. Chap. 250

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

SECT. 1. J. and B. Lewis, proprietors of a wharf in the town of Provincetown, for the purpose of facilitating the transportation of sand to said wharf, are hereby authorized to construct and maintain a railroad track across a public street adjoining said wharf, between such points and in such direction as shall be approved by the surveyors of highways of said town of Provincetown.

Railroad track in Provincetown.

SECT. 2. A good and sufficient crossing at said street or highway, for teams and carriages, shall be maintained by the

Crossing to be maintained.