

SENATE No. 335.

Mr. Hayes moves that this bill be substituted for the report of the joint committee on Judiciary, leave to withdraw, on the petition (with accompanying bill, Senate, No. 56) of William P. Hayes for legislation to authorize the issue of special precepts by clerks of courts, under certain conditions.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seven.

AN ACT

To provide for the Issue of Special Precepts by Clerks of Courts as well as by Judges of Courts under Certain Provisions.

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 eighty of chapter one hun-
2 dred and sixty-seven of the Revised Laws is hereby
3 amended by inserting after the word "process,"
4 in the eleventh line of said section, the following
5 words:— Except in the county of Suffolk, a clerk
6 of such court may, under the same conditions, order
7 such attachment of the property of the defendant,

8 — so that said section as amended shall read as
9 follows:—

10 *Section 80.* At any time during the pendency of
11 an action, suit, libel, petition or other proceeding
12 at law or in equity, upon the commencement of
13 which an arrest or attachment is authorized by
14 law, the court or trial justice for cause may, on
15 motion *ex parte*, order such arrest of the defend-
16 ant or such attachment of his property by the
17 trustee process or otherwise to secure the judg-
18 ment or decree which the plaintiff may obtain in
19 said cause; but no arrest of the defendant shall
20 be authorized unless the plaintiff, or a person in
21 his behalf, makes affidavit and proves to the satis-
22 faction of the court or trial justice the same facts
23 as are required to be proved to authorize an arrest
24 on mesne process. Except in the county of Suffolk,
25 a clerk of such court may, under the same condi-
26 tions, order such attachment of the property of the
27 defendant. Such arrest or attachment shall be sub-
28 ject to all the provisions of law relative to arrest
29 and attachment upon mesne process, so far as ap-
30 plicable.

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