

Merrimack, }
 June, 1895. }

ABBOT v. KIMBALL.

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Under Laws 1895, c. 93, an officer may attach "all the shares" of a non-resident stockholder in a corporation within this state, by leaving an attested copy of the writ and of his return thereon with a director of the corporation.

ASSUMPSIT. Facts found by the court. The defendant appeared specially and moved that the action be dismissed, because he was not an inhabitant of the state, no personal service had been made upon him within the state, and there had been no actual attachment of his property. The sheriff's return is as follows: "Merrimack, ss., July 14, 1894. I attached all the shares in the capital stock of the Boston & Maine Railroad owned by the within named Moses Kimball by giving in hand to A. W. Sulloway, one of the directors of said corporation, an attested copy of this writ, with an attested copy of this my return thereon at 10.10 of the clock in the forenoon of said day. Benjamin Tucker, Deputy Sheriff. And the principal defendant being out of the state, I made no further service of this writ. Benjamin Tucker, Deputy Sheriff."

Samuel C. Eastman and William L. Foster, for the plaintiff.

George B. French and Charles H. Burns, for the defendant.

BLODGETT, J. "An officer's return of an attachment of the share or interest of any person in a corporation may be as general as a return of an attachment of all the defendant's real estate in a town, and the attachment may be made by the officer by leaving an attested copy of the writ and of his return thereon with a director of the corporation. Any director so served shall forthwith notify the clerk, treasurer, or cashier of such corporation of such attachment." Laws 1895, c. 93, s. 1.

Giving to this declaratory statute (which is entitled "An act to remove doubts in the construction of section 13, chapter 200 [220] of the Public Statutes, relating to the service of process") the weight to which it is entitled, we are of opinion that the defendant's motion to dismiss must be

Denied.

WALLACE, J., did not sit: the others concurred.