

ASSEMBLY, No. 329

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1939

By Mr. WILENSKY

Referred to Committee on Judiciary

AN ACT concerning attachment, and amending section 2:42-8 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. Section 2:42-8 of the Revised Statutes is hereby amended to read
2 as follows:

3 2:42-8. An attachment may issue against:

4 a. Females, married or sole;

5 b. Corporations not created [or recognized as corporations of this State]
6 by the laws of this State and not authorized to do business in this State;

7 c. Joint stock associations;

8 d. Corporations not created by the laws of this State but authorized
9 to do business in this State, unless in any case the laws of the State in
10 which such a foreign corporation is created do not permit attachments
11 against corporations created by the laws of this State when authorized to
12 do business in such foreign State.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this amendment is to make corporations organized in other States and authorized by certificate to do business in this State liable to actions by way of attachment.

This is the rule in the State of New York. Corporations organized in the State of New Jersey and authorized to do business in the State of New York are, nevertheless, subject to suits by way of attachment in New York State, while corporations organized and created in the State of New York and authorized to do business in this State are considered by court decisions (Brand vs. Service Co., 75 N. J. Law 230) as not being subject to a suit in attachment.

At the present time corporations organized in the State of New York and authorized to do business in the State of New Jersey have a distinct advantage over corporations created in this State and authorized to do business in the State of New York in suing for moneys due.

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