

SENATE No. 589

To accompany the petition of Arthur W. Dolan that the provisions of the act relative to the granting of injunctions and temporary restraining orders shall not apply to any proceedings in the probate courts. Joint Judiciary.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

Relative to the Granting of Injunctions and Restraining Orders by the Probate Courts.

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 one of chapter five hundred
2 and fifteen of the acts of the year nineteen hundred
3 and thirteen is hereby amended by adding at the
4 end thereof the following: — The provisions of this
5 act shall not apply to any proceedings in the probate
6 courts, — so as to read as follows: — *Section 1.* No
7 preliminary injunction shall be granted without no-
8 tice to the opposite party. No temporary restrain-
9 ing order shall be granted without notice to the
10 opposite party, unless it shall clearly appear from
11 specific facts, shown by affidavit or by the verified

12 bill, that immediate and irreparable loss or damage
13 will result to the applicant before the matter can be
14 heard on notice. In case a temporary restraining
15 order shall be granted without notice, in the contin-
16 gency specified, the matter shall be made returnable
17 at the earliest possible time, and in no event later
18 than ten days from the date of the order, and shall
19 take precedence of all matters except older matters
20 of the same character. When the matter comes up
21 for hearing the party who obtained the temporary
22 restraining order shall proceed with his application
23 for a preliminary injunction, and if he does not do
24 so the court shall dissolve the temporary restrain-
25 ing order. Upon two days' notice to the party ob-
26 taining such temporary restraining order, the oppo-
27 site party may appear and move the dissolution or
28 modification of the order, and in that event the
29 court or judge shall proceed to hear and determine
30 the motion as expeditiously as the ends of justice
31 may require. Every temporary restraining order
32 shall be filed forthwith in the clerk's office. The
33 provisions of this act shall not apply to any pro-
34 ceedings in the probate courts.

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