

HOUSE No. 2491

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 2, 1954.

The committee on the Judiciary, to whom was referred so much of the annual report of the Judicial Council (Pub. Doc. No. 144) as relates to regulating further the attachment of wages for personal labor and services (pages 12-13), report the accompanying bill (House, No. 2491).

For the committee,

EDWARD J. DESAULNIER, JR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT FURTHER REGULATING THE ATTACHMENT OF WAGES FOR PERSONAL LABOR AND SERVICES.

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 32 of chapter 246 of the General Laws is
2 hereby amended by striking out paragraph Eighth,
3 as amended by chapter 558 of the acts of 1950, and
4 inserting in place thereof the following:—
5 Eighth, By reason of money or credits due for the
6 wages of personal labor or services of the defendant,
7 unless such attachment is authorized in advance by
8 written permission endorsed upon the writ and signed
9 by a justice, associate justice or special justice of the
10 court in which the action is commenced. Application
11 to said justice, associate justice or special justice
12 of the court for permission for said attachment shall
13 be made only after ten days' written notice has been
14 delivered or sent by registered mail, return receipt
15 requested, to the defendant at his last known address,
16 place of business or employment. Such notice shall
17 contain the name of the plaintiff, the name of the
18 court in which the action is to be commenced, the
19 nature of the claim, the time and place such appli-
20 cation will be made, and shall inform the defendant
21 that he is entitled to be present and be heard at said
22 time and place if he objects to the granting of said
23 application. A copy of said notice and a certificate
24 of the person sending or delivering said notice shall
25 be evidence thereof. Notwithstanding the preceding
26 provisions relating to notice, if said justice, associate

27 justice or special justice finds in his discretion that
28 compliance with said provisions relating to notice
29 will unreasonably delay and hinder justice, he may
30 authorize the attachment with a shorter notice, or
31 without notice, to the defendant.

