

HOUSE No. 1484

By Mr. Innes of Boston, petition of Charles J. Innes for legislation relative to dissolving excessive attachments under trustee process. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT RELATIVE TO DISSOLVING EXCESSIVE ATTACHMENTS UNDER TRUSTEE PROCESS.

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 one hundred and fourteen of chapter two
2 hundred and twenty-three of the General Laws is
3 hereby amended by inserting after the word "attach-
4 ment" in the first line thereof the words:—by
5 trustee process or otherwise, — and by striking out,
6 in the last line thereof, the words "goods or estate
7 to be released" and inserting in place thereof the
8 words:— goods, estate, effects or credits to be re-
9 leased, — so that the said section shall read as fol-
10 lows:— *Section 114.* If an excessive or unreasonable
11 attachment, by trustee process or otherwise, is made
12 on mesne process, the defendant or person whose
13 property has been attached may apply in writing,
14 in any county, to a justice of the court to which such
15 process is returnable, for a reduction of the amount

16 of the attachment or for its discharge; and such
17 justice shall order a notice to the plaintiff, or, if the
18 plaintiff is a non-resident, to his attorney, which
19 shall be returnable before himself or any other justice
20 of the same court as speedily as circumstances permit.
21 If, upon a summary hearing of the parties, it is found
22 that the attachment is excessive or unreasonable, the
23 justice shall reduce or dissolve the attachment or
24 order a part of the goods, estate, effects or credits to
25 be released.