

HOUSE No. 1303.

[Substituted for the report of the committee on the Judiciary, reference to the next General Court.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-five.

AN ACT

Relative to Attachments.

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. In any action at law brought in the
2 supreme or superior court in which an attachment on
3 mesne process is made, any defendant in the case may,
4 at any time before the answer in the case is filed, cause
5 to be served on the plaintiff or his attorney by any sher-
6 iff or deputy sheriff a written demand that the attach-
7 ment be released; and the officer serving such demand
8 shall make a special return to the court in which the writ
9 is returnable, stating the fact of the service of such
10 demand, and unless the plaintiff shall within ten days
11 after such service, if said court is then sitting in said
12 county, or if said court is not then sitting in said

13 county, within ten days after the beginning of the next
14 regular sitting of said court in said county, obtain from
15 some judge of that court an order continuing the attach-
16 ment, as hereinafter provided, the attachment shall be
17 dissolved in like manner and with like consequences as
18 if the suit had not been entered.

1 SECT. 2. Upon receiving a demand as above provided
2 the plaintiff may apply to the court in which the writ is
3 returnable for an order continuing the attachment, and
4 upon such application the court shall order such notice
5 to the defendant as justice may require and shall hear
6 the parties as soon as practicable, and after such hearing
7 may issue an order either continuing or discontinuing the
8 attachment as to all or any part of the property attached,
9 whether real or personal, and may, as a condition of con-
10 tinuing the attachment, require the plaintiff to give to
11 the defendant a bond in such sum as the court may
12 determine with sufficient sureties to be approved by the
13 court and conditioned to indemnify the defendant for such
14 damages and costs as the defendant has suffered or may
15 suffer on account of such attachment.

