

HOUSE No. 1167.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 12, 1897.

The committee on the Judiciary, to whom was referred the petition (with accompanying bill, House, No. 779) of E. B. Callender for legislation to abolish attachments on mesne process except when authorized by order of court ;

And the petition (with accompanying bill, House, Nos. 775 and 776) of Chas. F. Kittredge et al. for legislation restricting and regulating attachments of property on mesne process, report the accompanying Bill.

For the Committee,

EDWARD L. PIERCE.

Commonwealth of Massachusetts.

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

AN ACT

To provide for the Discharge of Attachments in Certain Cases.

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 hundred and twenty-one of
2 chapter one hundred and sixty-one of the Public Statutes
3 is hereby amended by inserting in the first and eighth
4 lines after the word "excessive" the words, — or un-
5 reasonable; by inserting in the fourth line, after the word
6 "attachment," the words, — or for its discharge, and by
7 adding at the end of the section the words, — or he may
8 in his discretion order such attachment to be discharged;
9 so as to read as follows: —

10 *Section 121.* If an excessive or unreasonable attach-
11 ment of goods or estate is made on mesne process, the
12 defendant may apply in writing, in any county, to a jus-
13 tice of the court to which such process is returnable, for
14 a reduction of the amount of the attachment or for its
15 discharge; and such justice shall order a notice to the
16 plaintiff, returnable before himself or any other justice of

17 the same court as speedily as circumstances permit. If,
18 upon summarily hearing the parties, it is found that the
19 attachment is excessive or unreasonable, the justice shall
20 order it to be reduced, or a part of the goods or estate to
21 be released, and thereafter the attachment shall be deemed
22 to be reduced or partially released, according to such
23 order; or he may in his discretion order such attachment
24 to be discharged.

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

