

HOUSE No. 61.

[Bill accompanying the petition of James M. Olmstead. Judiciary]

Commonwealth of Massachusetts.

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

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. Every attachment made on mesne process
2 of the property of any person, copartnership or corpora-
3 tion shall be dissolved by the appointment by any court
4 of competent jurisdiction in this Commonwealth of a
5 receiver to take possession of such property, if the bill
6 or petition praying for the appointment of such receiver
7 shall have been filed in said court within four months
8 after the making of such attachment, unless said court,
9 in its discretion, at any time, shall continue such attach-
10 ment for the benefit of the estate of such person, co-
11 partnership or corporation, in which case said court may
12 authorize such receiver to prosecute, for the benefit of

13 said estate, the action upon which such attachment shall
14 have been made, and may make such further orders as
15 may be effectual to enable such receiver to recover for
16 the benefit of said estate the amount due to the original
17 plaintiff in said action.

1 SECT. 2. In case an attachment has been dissolved
2 in the manner provided in the preceding section, the
3 proceedings for the appointment of a receiver shall not
4 thereafter be dismissed and the receiver be discharged at
5 any time before all the assets which have come into his
6 hands as such receiver shall have been fully distributed
7 or else the claim upon which the attachment was made
8 shall have been fully paid and discharged, unless the
9 debtor shall, before such dismissal, deposit in the hands
10 of the officer who made such attachment such sum of
11 money as the court before which such receivership pro-
12 ceedings are pending, shall, after notice to the attaching
13 creditor and a hearing, find reasonable for the protection
14 of his claim in the suit in which the attachment was
15 made, which sum shall thereafter be held by the officer
16 in lieu of the property held under the attachment at the
17 time it was dissolved, and subject to be disposed of in
18 the same manner as the property attached would have
19 been if the attachment had not been dissolved.

