

SENATE No. 517

Mr. Mack moves that this bill be substituted by amendment for the Senate Report of the committee on Legal Affairs, reference to the next General Court, on the petition (accompanied by bill, House, No. 656) of Samuel Carver and another for the creation of small debtors' courts.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

To provide for the creating of Small Debtors' Courts and to define their Powers, Jurisdiction and Procedure.

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. That the municipal court of the city of
2 Boston and the various district police and municipal
3 courts of the commonwealth shall hold a session of its
4 respective courts, to be known as small debtors' court, for
5 the administration of justice, concerning collection of
6 small wages, work or labor or other small debts.

1 SECTION 2. That said small debtors' court shall have
2 jurisdiction of all small debts and accounts not exceeding

3 twenty dollars, but only in cases where the defendant
4 resides in the jurisdiction of the court; the jurisdiction
5 of the court shall extend to the limits of the county
6 wherein said court is established.

1 SECTION 3. Before entertaining any suit in such small
2 debtors' court the plaintiff must appear before the court
3 personally, except in cases of sickness or physical dis-
4 ability, and state his case orally, and if the court believes
5 that the plaintiff has a cause of action it shall docket the
6 same by entry in its docket, and shall summon the de-
7 fendant orally or by the United States mail, by telephone
8 or by a court officer and try the case consistently and
9 summarily and give judgment thereon. Costs shall be
10 assessed or charged to either party, in the discretion of
11 the court.

1 SECTION 4. If the judgment be against the defendant
2 it shall be his duty to pay the same forthwith, or upon
3 such terms as the judge of said court shall decree. If
4 the defendant refuses or neglects to obey the decree of
5 the court the judge shall have power if, in the discretion
6 of the court, it is necessary to commit the defendant to
7 jail, upon satisfactory proof that the defendant has
8 means which he refuses or neglects to apply to payment
9 of said decree of the court; but in no case shall the judge
10 have power to commit the defendant to jail for neglect
11 or refusal to obey said decree for a period of time ex-
12 ceeding three months.

1 SECTION 5. The judgment of said court shall be con-
2 clusive upon the plaintiff. If the defendant is dissatisfied
3 he may appeal to the superior court for the county in
4 which said action was heard, and if the final judgment is

5 rendered against the defendant in said appellate court,
6 then he shall pay, in addition to the judgment, attorney's
7 fees to the plaintiff in the sum of fifteen dollars. Such
8 appeal shall be accompanied by a bond to secure costs or
9 cash deposit, as provided by law in other cases in the
10 municipal courts of this state, and such appeal shall be
11 tried in the appellate courts without pleadings.

1 SECTION 6. The defendant shall have five days in
2 which to enter his appeal from the judgment of the small
3 debtors' court, and if no appeal is taken within said
4 time, the decree of small debtors' court shall be final,
5 and the judge of the small debtors' court shall have full
6 and conclusive authority to proceed against said defend-
7 ant for the collection of said judgment in behalf of the
8 plaintiff. If the judgment shall be against the plaintiff
9 he shall have no right to appeal from said decree, the
10 plaintiff having waived his right to appeal by bringing
11 his claim in the small debtors' court. It shall be the
12 duty of the judge to inform the plaintiff as to his rights,
13 prior to the hearing of the case, in order that the plaintiff
14 may decide for himself as to his willingness to proceed
15 in the small debtors' court on the claim.

1 SECTION 7. This act shall take effect and be in force
2 on the thirtieth day of April of this year.

