

HOUSE No. 424.

HOUSE OF REPRESENTATIVES, Feb. 5, 1895.

[Introduced on leave by MR. RICHARDSON of Haverhill. Read and referred to committee on the Judiciary.]

Commonwealth of Massachusetts.

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

AN ACT

In Relation to Suits in Equity 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. In all cases in which a suit in equity is
2 brought, praying for an injunction against the defendants
3 on the ground that they, or some of them, are interfering
4 with the plaintiff's business, the court in which said suit
5 is brought before granting a preliminary injunction shall
6 issue an order of notice to the defendants, which order of
7 notice shall be served on the defendants in said suit at
8 least seven days before the return day thereof. And, if
9 on or before the return day of said order of notice, the
10 defendants, or either of them, shall so desire and shall
11 file a motion therefor in the court in which said suit shall

12 be pending, the court shall not order a preliminary
13 injunction to issue until after the trial of issues to be
14 framed by said court before a jury.

1 SECT. 2. Such issues shall be tried before a jury as
2 speedily as possible and the supreme judicial court or
3 the superior court shall make all needful rules and regu-
4 lations to facilitate the speedy trial of such issues. If at
5 the time such motion for a trial of issues by a jury is
6 filed a sitting of the court in which said suit has been
7 filed with juries is being held in the county in which said
8 suit is pending, said issues shall be tried before said sit-
9 ting as soon as may be possible, first giving the parties
10 proper and reasonable notice and time to prepare their
11 case for trial. If there shall be no sitting of the court in
12 which said suit is pending in the county in which the said
13 suit is brought at the time the motion for a trial of issues
14 by a jury shall be filed, and if no such sitting of the court
15 shall be held by law in said county within thirty days
16 thereof, then said trial shall be held in any county adjoin-
17 ing thereto in which such a sitting of the court with
18 juries is then being held, or else in the county of Suffolk.

1 SECT. 3. Issues framed in a suit pending before the
2 supreme judicial court may be tried before the superior
3 court in any county under which the same would be
4 properly triable under the provisions of the preceding
5 section. The supreme judicial court may make all need-
6 ful rules and regulations in relation to the transfer of
7 such cases before the superior court for trial.

1 SECT. 4. This act shall take effect upon its passage.

