

## H. R.—No. 38.

Commonwealth of Massachusetts.

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In the year of our Lord, one thousand eight hundred and twenty-seven.

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### AN ACT,

*In addition to the Act, giving further remedies in Equity.*

1 SEC. 1. **BE** it enacted by the Senate and  
2 House of Representatives in General Court as-  
3 sembled, and by the authority of the same, That  
4 when any complaint, bill, or suit, in Equity  
5 shall be pending in the Supreme Judicial Court,  
6 in any county, it shall be lawful for any Jus-  
7 tice of said Court, as well in vacation as in  
8 term time, to receive, hear, and determine, all  
9 motions relating to the proceedings therein,  
10 preparatory to a final hearing thereof, and to  
11 make and pass all interlocutory orders and de-  
12 crees which may be proper and necessary to

13 the full hearing and final determination of said  
14 suit. And every order and decree which shall  
15 be so made and passed, shall be transmitted, as  
16 soon as may be, to the Clerk of the Court for  
17 the county in which the suit may be pending,  
18 who shall file the same among the papers and  
19 documents belonging to the suit, to be recorded  
20 with the other proceedings, when the said suits  
21 shall be so determined, if the Court shall so  
22 direct.

1 SEC. 2. *And be it further enacted*, That before  
2 any motion for any interlocutory order or de-  
3 cree shall be heard and determined as afore-  
4 said, the Justice of the said Court, to whom the  
5 motion shall be made, shall cause reasonable  
6 notice thereof to be given to the adverse party  
7 or his counsel of record; and when the party  
8 applying for such decree or order, or the party  
9 objecting thereto, or their counsel of record,  
10 shall live more than twenty miles from the  
11 place where the Justice applied to shall reside,  
12 they may respectively transmit to him, within  
13 such time as he shall appoint, their reasons for  
14 and against such decree or order, and the said  
15 Justice shall receive and act upon the same  
16 in like manner as if the parties or their said  
17 counsel were personally present before him.  
18 And all such decrees and orders shall be sub-  
19 ject to revision and reversal by the Court, at  
20 the next law term thereof, for the county in  
21 which the suits shall be pending: *Provided*

22 *however*, that all decrees and orders so made,  
 23 shall remain of full force and effect, and all pro-  
 24 ceedings under the same shall be valid until  
 25 the same shall be reversed in manner afore-  
 26 said.

1 SEC. 3. *And be it further enacted*, That on the  
 2 final determination of any suits in Equity, the  
 3 Supreme Judicial Court shall direct what part  
 4 of the proceedings shall be recorded at large,  
 5 and shall allow such compensation therefor to  
 6 the Clerk who shall record the same, as shall  
 7 be deemed reasonable, having regard to the  
 8 fees established by law for services of a similar  
 9 nature.

1 SEC. 4. *And be it further enacted*, That there  
 2 shall be appointed by his Excellency the Gov-  
 3 ernor, in the manner provided in the Constitu-  
 4 tion, not less than one, nor more than two suit-  
 5 able persons, residing within the county or  
 6 counties for which a law term of the Supreme  
 7 Judicial Court is now, or may hereafter be hol-  
 8 den, to be Masters in Chancery, to hold their  
 9 office during the term of four years, unless  
 10 sooner removed by the Executive, for the time  
 11 being, each of whom shall, under the direction of  
 12 the Court aforesaid, or any Justice thereof, do  
 13 and perform all the duties which, according to  
 14 the rules and practice of Chancery, are usually  
 15 performed by a Master in Chancery; and they  
 16 shall severally be sworn to the faithful dis-  
 17 charge of their duties, and shall be allowed

18 such compensation for each case in which their  
19 services shall be required and performed, as  
20 said Court shall order and adjudge to be rea-  
21 sonable. And the sum so allowed shall be  
22 taxed in the bill of costs against the party who  
23 shall be held and adjudged to pay the costs of  
24 the suit, unless the Court, in their discretion,  
25 shall otherwise order.

1 SEC. 5. *Be it further enacted*, That in all  
2 suits in Equity, the subject of costs shall be  
3 wholly in the discretion of the Court: *Provided*,  
4 that no greater fee or fees shall be taxed in any  
5 bill of costs than is prescribed for similar ser-  
6 vices in the general fee bill established by law.

*In Senate, February 7, 1827.*—This bill having  
had two several readings passed to be engrossed.  
Sent down for concurrence.

JOHN MILLS, *President.*