

HOUSE No. 256.

HOUSE OF REPRESENTATIVES, Jan. 22, 1900.

[Introduced on leave by Mr. Marshall of Rockport. Judiciary.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred.

AN ACT

To provide Summary Process in Cases of Attachment of Wages of Seamen or Fishermen by Trustee Process.

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 actions by trustee process or
2 foreign attachment where wages of fishermen or
3 seamen are attached the principal defendant may
4 by petition to the court from which said process
5 issued pray for a speedy trial thereon. The judge
6 or clerk shall thereupon immediately issue an
7 order of notice to the plaintiff or his attorney
8 commanding him that he return to and enter in
9 said court within forty-eight hours from the time
10 of the service of said order of notice the original

11 writ upon which said petition is based, together
12 with a declaration and bill of particulars; and
13 further commanding him and all others known to
14 be interested in the case to appear and answer to
15 said petition and for a trial upon the original writ
16 upon the return day of the order of notice. The
17 order of notice shall be made returnable to said
18 court not more than seven and served not less
19 than three days from its date.

20 Service of the order of notice may be personal
21 or by leaving an attested copy at the last and
22 usual place of abode.

23 Upon the return day of the order of notice, if
24 the parties appear, a trial shall be had forthwith
25 and judgment shall be entered forthwith.

26 Should any of the parties fail to appear, a de-
27 fault or non-suit may be entered.

28 Costs and appeals may be allowed in accord-
29 ance with existing provisions of law applicable to
30 trustee processes.

31 The entry fee of the petition shall be fifty
32 cents.

33 The petition shall set forth that the petitioner
34 is a fisherman or seaman; that his wages have
35 been attached by trustee process; the name of the
36 plaintiff and all others known to be interested in
37 the case; shall pray for a speedy trial in accord-
38 ance with the provisions of this act; and shall be
39 subscribed and sworn to by the petitioner.

1 SECTION 2. This act shall take effect from its
2 passage.