

HOUSE No. 1339.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 8, 1900.

The committee on the Judiciary, to whom was referred the annual report of the Attorney-General (Pub. Doc. No. 12), report, in part, the accompanying bill.

For the Committee,

WILLARD HOWLAND.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred.

AN ACT

Relative to Proceedings before Auditors.

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 any cause which has been
2 committed to an auditor the court in which the
3 cause is pending may, upon application of either
4 party thereto, appoint a day certain for the trial
5 thereof before the auditor; and if such order be
6 made the trial thereof shall be had upon the day
7 appointed, and shall proceed, unless the parties
8 otherwise agree, or the auditor otherwise orders,
9 from day to day until the conclusion thereof. If
10 either party neglects to appear at the time ap-
11 pointed for such trial, or at any adjournment
12 thereof, without good cause, or if at such trial
13 either party shall wilfully refuse to produce his
14 evidence and vouchers in good faith, the auditor
15 may report such failure, neglect or refusal to the

16 court, and thereupon the party so failing, neglect-
17 ing or refusing shall be subject to default or non-
18 suit in the court as the case may be.

1 SECTION 2. Chapter four hundred and fifty-
2 one of the statute of the year eighteen hundred
3 and ninety is hereby amended by inserting after
4 the word "courts" in the third line and after the
5 word "courts" in the fourth line thereof, the
6 words "or before an auditor appointed by either
7 of said courts," so that the chapter shall read:—

8 An attorney of record in the supreme judicial
9 court or superior court when actually engaged in
10 the trial of a cause in either of said courts, or
11 before an auditor appointed by either of said
12 courts, shall not be obliged to proceed to the trial
13 of any other cause in either of said courts or be-
14 fore an auditor appointed by either of said courts,
15 unless it shall appear to the court in any particu-
16 lar cause that it is just and reasonable that he
17 should proceed.

