

HOUSE No. 1354

By Mr. Ramsdell of Winchester, petition of R. George Mongrain for legislation in respect to the making of rules by the Supreme Judicial Court and the Superior Court. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT RELATIVE TO THE MAKING OF RULES BY THE SUPREME JUDICIAL AND SUPERIOR COURTS.

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 three of chapter two hundred and thirteen
2 of the General Laws, as appearing in the Tercentenary
3 Edition, is hereby amended by striking out clause
4 tenth A thereof and inserting in place thereof the
5 following:—

6 Tenth A, Providing that an action at law or a suit
7 in equity shall not be open to objection on the ground
8 that a mere judgment, order or decree containing a
9 binding declaration of rights or duties or other legal
10 relations is sought thereby by any interested party
11 whether any consequential judgment or relief is, or
12 could be, claimed or not, provided that nothing herein
13 contained shall be construed to authorize the change,
14 extension or alteration of the law regulating the
15 method of obtaining service on, or jurisdiction over,
16 parties or to affect their right to jury trial on issues of

17 fact. Such rules shall provide that if, in its discretion,
18 the court in such case declines to make a determina-
19 tion it shall state its reasons therefor in writing. The
20 court shall not refuse to render or enter a declaratory
21 judgment or decree on the ground that a declaration is
22 sought concerning the interpretation or construction
23 of, or the rights, duties or obligations under a policy
24 or contract of insurance, whether liability insurance or
25 otherwise, or on the ground that the controversy is
26 between the insurer and the insured under a policy of
27 liability insurance.