

# HOUSE . . . . No. 1929

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By Mr. McCarthy of Medfield, petition of J. Burke Sullivan for legislation relative to suits in equity by or against members of a class. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Seven.

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### AN ACT RELATIVE TO SUITS IN EQUITY BY OR AGAINST MEMBERS OF A CLASS.

1 *Whereas*, The deferred operation of this act would  
2 tend to defeat its purpose, which is to include within  
3 the equity jurisprudence of the commonwealth cer-  
4 tain kinds of actions called class actions to the same  
5 extent to which they are included by the practice of  
6 the United States courts of the federal rules, there-  
7 fore it is hereby declared to be an emergency law  
8 necessary for the immediate preservation of the  
9 public convenience.

*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 3 of chapter 214 of the General Laws, as  
2 amended, is hereby further amended by inserting  
3 after clause (12), as appearing in section 1 of chapter  
4 194 of the acts of 1939, the following new clause:—  
5 (13) Suits by or against a class so numerous as to

6 make it impracticable to bring them all before the  
7 court. Such suits may be brought by or against  
8 such of them, one or more, as will fairly insure the  
9 adequate representation of all, when the character of  
10 the right to be enforced is several, and there is a  
11 common question of law or fact affecting the several  
12 rights and a common relief is sought, and in other  
13 cases where the bringing of the suit by or against  
14 such members of the class is warranted under the  
15 general principles of equity jurisprudence; provided,  
16 however, that this clause shall not be deemed to  
17 prohibit any member or members of a class so repre-  
18 sented from appearing, by themselves or their counsel,  
19 as parties plaintiff or defendant, as the case may be.