

HOUSE No. 2011

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 31, 1948.

The committee on the Judiciary, to whom was referred so much of the twenty-third annual report of the Judicial Council (Pub. Doc. No. 144) as relates to further regulating the service of civil process on non-resident defendants (pages 8-11), report the accompanying bill (House, No. 2011).

For the committee,

EDMOND J. DONLAN.

The Commonwealth of Massachusetts

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

AN ACT REGULATING THE SERVICE OF CIVIL PROCESS UPON CERTAIN NON-RESIDENT DEFENDANTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 223 of the General Laws is hereby amended
- 2 by inserting after section 31, as appearing in the Ter-
- 3 centenary Edition, the following new section: —
- 4 *Section 31A.* When any individual not residing in
- 5 this commonwealth shall engage in business in this
- 6 commonwealth, in any action against such individual
- 7 arising out of such business, service of process may be
- 8 made by leaving a copy of the writ or other process
- 9 with the person who at the time of service is in charge
- 10 of such business, and any process so served shall be
- 11 of the same legal force and validity as if served per-
- 12 sonally on such non-resident individual; provided,
- 13 that at least thirty days before the return day thereof,
- 14 a copy of such process together with a notice of such
- 15 service shall be forthwith sent to such non-resident
- 16 defendant by registered mail, return receipt requested.
- 17 An affidavit of compliance herewith, and the de-
- 18 fendant's return receipt if received by the plaintiff,
- 19 shall be filed in the case on or before the return day

20 of the process, or within such further time as the court
21 may allow. The court in which the action is pending
22 may order such continuances as may be necessary to
23 afford the defendant reasonable opportunity to defend
24 the action.

The first part of the report, on the general conditions of the country, is very interesting. It gives a good idea of the state of the country at the time of the survey. The second part, on the details of the survey, is also very interesting. It gives a good idea of the methods used and the results obtained. The third part, on the conclusions, is also very interesting. It gives a good idea of the author's views on the subject.