

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine

HOUSE No. 2285

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 28, 1949.

The committee on the Judiciary, to whom was referred so much of the twenty-fourth annual report of the Judicial Council (Pub. Doc. No. 144) as relates to permitting courts to allow on motion and notice special demands for proof of certain facts (pages 27-28, report the accompanying bill (House, No. 2285).

For the committee,

JOHN M. SHEA.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO ALLEGATION AND PROOF OF FIDUCIARY OR CORPORATE CAPACITY OR OF THE EXISTENCE OF A PUBLIC WAY IN CIVIL ACTIONS.

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 30 of chapter 321 of the General Laws, as
2 appearing in the Tercentenary Edition, is hereby
3 amended by inserting after the word "allegation"
4 in line 6 the words: — , or within such further time
5 as the court may allow on motion and notice, — so
6 as to read as follows: — *Section 30.* If it is alleged
7 in any civil action or proceeding that a party is an
8 executor, administrator, guardian, trustee, assignee,
9 conservator or receiver or is a corporation, or that a
10 place is a public way, such allegation shall be taken
11 as admitted unless the party controverting it files
12 in court, within the time allowed for the answer
13 thereto, or within ten days after the filing of the paper
14 containing such allegation, or within such further
15 time as the court may allow on motion and notice,
16 a special demand for its proof.