

HOUSE No. 1593

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 30, 1931.

The joint committee on the Judiciary, to whom was referred so much of the annual report of the Judicial Council (Pub. Doc. No. 144) as relates to authorizing justices of municipal and district courts to report certain cases to the appellate division of such court, report the accompanying bill (House, No. 1593).

For the committee,

THOMAS R. BATEMAN.

The Commonwealth of Massachusetts

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

An Act authorizing Reports to the Appellate Divisions of District Courts at the Instance of the Justices Thereof.

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. Section one hundred and eight of
2 chapter two hundred and thirty-one of the General
3 Laws is hereby amended by inserting after the word
4 "costs" in the twenty-second line the following:—
5 A single justice may, after decision thereon, report
6 for determination by the appellate division any case
7 in which there is an agreed statement of facts or a
8 finding of the facts or any other case involving ques-
9 tions of law only. If a single justice is of opinion
10 that an interlocutory finding or order made by him
11 ought to be reviewed by the appellate division before
12 any further proceedings in the trial court, he may
13 report the case for that purpose and stay all further
14 proceedings except such as are necessary to preserve
15 the rights of the parties, — and also by inserting after
16 the word "resignation" in the twenty-sixth line the
17 following:—, for the reporting of cases reserved for
18 report when a justice shall fail to report the same by
19 reason of physical or mental disability, death or resig-
20 nation, — so as to read as follows:— *Section 108.*

21 There shall be an appellate division of said municipal
22 court for the rehearing of matters of law arising in
23 civil causes therein, the said division to consist of
24 three justices thereof, to be designated from time to
25 time by the chief justice. Any party to a cause
26 brought in said court after August thirty-first, nine-
27 teen hundred and twelve, aggrieved by any ruling on
28 a matter of law by a single justice, may, as of right,
29 have the ruling reported for determination by the
30 appellate division when the cause is otherwise ripe for
31 judgment, or sooner by consent of the justice hearing
32 the same. The request for such a report shall be
33 filed with the clerk within two days after notice of the
34 ruling, and when the objection is to the admission or
35 exclusion of evidence, the claim for a report shall also
36 be made known at the time of the ruling. The justice
37 whose ruling is complained of shall not sit upon the
38 review thereof. If the appellate division shall decide
39 that there has been prejudicial error in the ruling
40 complained of, it may reverse, vacate or modify the
41 same or order a new trial in whole or part; otherwise
42 it shall dismiss the report, and may impose double
43 costs in the action if it finds the objection to such
44 ruling to be frivolous or intended for delay. If the
45 party claiming such report shall not duly prosecute
46 the same, by preparing the necessary papers or other-
47 wise, the appellate division may order the cause to
48 proceed as though no such claim had been made, and
49 may in like manner impose costs. A single justice
50 may, after decision thereon, report for determination
51 by the appellate division any case in which there is an
52 agreed statement of facts or a finding of the facts or
53 any other case involving questions of law only. If
54 a single justice is of opinion that an interlocutory

55 finding or order made by him ought to be reviewed
56 by the appellate division before any further proceed-
57 ings in the trial court, he may report the case for that
58 purpose and stay all further proceedings except such
59 as are necessary to preserve the rights of the parties.
60 The court shall make rules regulating the procedure
61 and sittings of the appellate division, for the prepara-
62 tion and submission of reports and the allowance of
63 reports which a single justice shall disallow as not
64 conformable to the facts, or shall fail to allow by
65 reason of physical or mental disability, death or
66 resignation, for the reporting of cases reserved for
67 report when a single justice shall fail to report the
68 same by reason of physical or mental disability, death
69 or resignation, and for the granting of new trials.

1 SECTION 2. Section one hundred and ten B of
2 said chapter two hundred and thirty-one, inserted by
3 section eight of chapter five hundred and thirty-two
4 of the acts of nineteen hundred and twenty-two and
5 as amended by section one of chapter fifty-four of the
6 acts of nineteen hundred and thirty, is hereby further
7 amended by adding at the end thereof the following: —
8 A single justice may, after decision thereon, report
9 for determination by the appellate division any case
10 in which there is an agreed statement of facts or a
11 finding of the facts or any other case involving ques-
12 tions of law only. If a single justice is of opinion
13 that an interlocutory finding or order made by him
14 ought to be determined by the appellate division be-
15 fore any further proceedings in the trial court, he may
16 report the case for that purpose and stay all further
17 proceedings except such as are necessary to preserve
18 the rights of the parties.

1 SECTION 3. Section forty-three of chapter two
2 hundred and eighteen of the General Laws, as amended
3 by section nine of said chapter five hundred and
4 thirty-two, is hereby further amended by inserting
5 after the word "resignation" in the tenth line the
6 following: —, the reporting of cases reserved for re-
7 port when a justice shall fail to report the same by
8 reason of physical or mental disability, death or
9 resignation, — so as to read as follows: — *Section 43.*
10 The justices, or a majority of them, of all the district
11 courts, except the municipal court of the city of
12 Boston, shall from time to time make and promulgate
13 uniform rules regulating the time for the entry of
14 writs, processes and appearances, the filing of answers
15 and for holding trials in civil actions, the preparation
16 and submission of reports, the allowance of reports
17 which a justice shall disallow as not conformable to
18 the facts, or shall fail to allow by reason of physical
19 or mental disability, death or resignation, the re-
20 porting of cases reserved for report when a justice
21 shall fail to report the same by reason of physical or
22 mental disability, death or resignation, the granting
23 of new trials, and the practice and manner of con-
24 ducting business in cases which are not expressly
25 provided for by law, including juvenile proceedings
26 and those relating to wayward, delinquent and
27 neglected children.

1 SECTION 4. This act shall become operative on
2 September first in the current year.

The first of these is the fact that the
 government has been successful in
 maintaining a high level of
 economic growth. This has been
 achieved through a combination of
 factors, including a strong
 industrial base, a highly skilled
 workforce, and a stable political
 environment. The government has
 also been successful in
 maintaining a low level of
 inflation, which has helped to
 maintain the value of the
 pound sterling. This has been
 achieved through a combination of
 factors, including a tight
 monetary policy, a strong
 industrial base, and a highly
 skilled workforce. The
 government has also been
 successful in maintaining a
 high level of public services,

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