

HOUSE No. 1436

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 17, 1933.

The joint committee on the Judiciary, to whom was referred so much of the eighth annual report of the Judicial Council (Pub. Doc. No. 144) as relates to the investigation requested by the General Court of 1932 relative to making mandatory the issuance of notice to respondents in petitions for vacation of judgments (page 54), report the accompanying bill (House, No. 1436).

For the committee,

M. E. S. CLEMONS.

The Commonwealth of Massachusetts

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

An Act regulating the Issue of Notice to Respondents
in Petitions to vacate Judgment.

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 sixteen of chapter two hundred and fifty
2 of the General Laws is hereby amended by striking
3 out, in the first line, the word "may" and inserting
4 in place thereof the words: — , before vacating a
5 judgment on such a petition, shall, — so as to read
6 as follows: — *Section 16.* The court, before vacating
7 a judgment on such a petition, shall order notice
8 thereof returnable at such time and to be served in
9 such manner as it may direct, and may issue a stay
10 or supersedeas of an execution issued on such judg-
11 ment and an order for a return thereof with a certifi-
12 cate of the proceedings thereon. Upon the hearing
13 of such petition, the court may vacate such judgment,
14 and dispose of the case as if the judgment had not
15 been entered.