

HOUSE No. 1126

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 12, 1929.

The joint committee on the Judiciary, to whom were referred the residue of the fourth annual report of the Judicial Council (Pub. Doc. No. 144), and the petition (accompanied by bill, House, No. 568) of the Massachusetts Bar Association and others that the power of the courts to make rules shall include the right to make rules of procedure for declaratory judgments, report (in part on Pub. Doc. No. 144) the accompanying bill (House, No. 1126).

For the committee,

THOMAS R. BATEMAN.

The Commonwealth of Massachusetts

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

An Act to provide that the Rule Making Power of the Supreme Judicial and Superior Courts shall include the Making of Rules of Procedure for securing the Interpretation of Written Instruments without other Relief.

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 three of chapter two hundred
2 and thirteen of the General Laws is hereby amended
3 by adding after the clause "Tenth" the following:—
4 *Tenth A*, Providing that suits at law or in equity
5 shall not be open to objection on the ground that a
6 mere judgment, order or decree interpreting a written
7 instrument is sought thereby, and providing for
8 procedure under which the court may make binding
9 determinations of right interpreting the same, whether
10 any consequential judgment or relief is or could be
11 claimed or not, provided that nothing contained
12 herein shall be construed to authorize the change,
13 extension or alteration of the law regulating the
14 method of obtaining service on, or jurisdiction over,
15 parties or to affect their right to jury trial.

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

