

SENATE No. 255.

Commonwealth of Massachusetts.

SENATE, Feb. 19, 1908.

The joint committee on the Judiciary, to which was referred the petition (with accompanying bill, Senate, No. 116) of Charles F. Jenney for legislation relative to exceptions in the supreme judicial and superior courts, reports the accompanying bill.

For the committee,

JAMES H. VAHEY.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

Relative to Exceptions in the Supreme Judicial and Superior Courts.

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. If in any civil action tried with a jury
2 in the supreme judicial court or superior court, a bill of
3 exceptions which has been duly filed is not allowed by
4 the presiding justice within three months after the date
5 of the verdict therein, because the same is not found by
6 the presiding justice conformable to the truth or not
7 found to state the facts and evidence in the case correctly
8 and fully, the presiding justice may in his discretion re-
9 serve and send to the full bench of the supreme judicial
10 court the entire record of the case, including the plead-
11 ings and the evidence taken by the official stenographer
12 and written out from his notes, and certified by him to
13 have been so taken and written out, said record to be ac-
14 companied by the certificate of the presiding justice that
15 the same is a true copy of the record and proceedings in
16 said case; and the same shall be entered in said court,

17 and thereupon said record so made and certified shall
18 stand in lieu of a bill of exceptions in all respects, and
19 the questions raised by the exceptions in said cause shall
20 be heard and determined by the full court on such
21 record: *provided*, that so much of said record, if any, as
22 shall be immaterial to the issue may be omitted. In case
23 of the disability or death of the presiding justice, any
24 justice of the same court may exercise the powers herein
25 conferred. The expense of transcribing the stenograph-
26 er's notes and of copying exhibits shall be borne by the
27 excepting party, and if he shall prevail the same shall
28 be taxed in his costs. All provisions relating to bills of
29 exceptions, so far as applicable, shall apply to proceed-
30 ings under this act.

1 SECTION 2. This act shall take effect upon its passage.

