

HOUSE No. 627

Bill accompanying the petition of Essex S. Abbott relative to the reports of auditors in civil actions. Joint Judiciary. January 15.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

Relative to the Reports of Auditors 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 fifty-five of chapter one hundred and sixty-five
2 of the Revised Laws is hereby amended by adding thereto
3 the following:— The auditor shall append to his report
4 all rulings requested, together with a summary of so
5 much of the evidence as will enable the court to pass upon
6 the same. A party aggrieved by a ruling or by a re-
7 fusal to rule as requested may move to have the report
8 recommitted, and the order relative thereto may be re-
9 viewed by the supreme judicial court, — so that said sec-
10 tion shall read as follows:— *Section 55.* When a civil
11 action is at issue, the supreme judicial court or the su-
12 perior court, in its discretion, and a police, district or
13 municipal court, if both parties assent thereto in writing,

14 may appoint one or more auditors to hear the parties,
15 examine their vouchers and evidence, state accounts and
16 report upon such matters therein as may be ordered by
17 the court. The report shall be *prima facie* evidence upon
18 such matters only as are expressly embraced in the order.
19 The auditor shall append to his report all rulings re-
20 quested, together with a summary of so much of the
21 evidence as will enable the court to pass upon the same.
22 A party aggrieved by a ruling or by a refusal to rule as
23 requested may move to have the report recommitted, and
24 the order relative thereto may be reviewed by the supreme
25 judicial court.