

HOUSE . . . No. 1607

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 8, 1911.

The committee on Bills in the Third Reading, to whom was referred the Bill relative to exeptions in civil causes (House, No. 464), report recommending that the bill be amended by the substitution of the accompanying bill.

For the committee,

ARTHUR S. DAVIS.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

AN ACT

Relative to Exceptions in Civil Causes.

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 six of chapter one
2 hundred and seventy-three of the Revised Laws, as
3 amended by section three of chapter three hundred and
4 forty-two of the acts of the year nineteen hundred and
5 six, is hereby amended by striking out the last sentence
6 and inserting in place thereof the following:— The pre-
7 siding justice shall thereafter, upon their presentation to
8 him by any party to the action, examine the exceptions,
9 and after hearing the parties, determine whether they are
10 conformable to the truth. The excepting party may be
11 allowed to make such amendments to his bill of exceptions
12 as will make it a more accurate statement of the excep-
13 tions originally filed by him. If the presiding justice
14 finds that the exceptions, with any amendments thereof
15 thus allowed, are conformable to the truth, he shall allow
16 them,— so that the said section will read as follows:—
17 *Section 106.* Exceptions may be alleged by any party
18 who is aggrieved by an opinion, ruling, direction or
19 judgment of the supreme judicial court or of the superior
20 court which is rendered upon any matter of law in any

21 civil cause, according to the course of the common law
22 or otherwise, tried by a jury or heard by the court, or
23 upon a motion for a new trial, except in actions tried
24 by three justices of the superior court under the pro-
25 visions of section five of chapter one hundred and fifty-
26 seven. The exceptions shall be reduced to writing and
27 filed with the clerk, and notice thereof shall be given to
28 the adverse party, in civil cases tried by a jury, within
29 twenty days after the verdict is rendered, and in cases
30 tried without a jury, within twenty days after the notice
31 of the decision has been received, unless further time
32 is allowed by the court. The presiding justice shall
33 thereafter, upon their presentation to him by any party
34 to the action, examine the exceptions, and after hearing
35 the parties, determine whether they are conformable to
36 the truth. The excepting party may be allowed to make
37 such amendments to his bill of exceptions as will make
38 it a more accurate statement of the exceptions originally
39 filed by him. If the presiding justice finds that the ex-
40 ceptions, with any amendments thereof thus allowed, are
41 conformable to the truth, he shall allow them.

1 SECTION 2. If an excepting party, in any civil cause
2 in which exceptions may be alleged, shall not within such
3 time after the filing of his exceptions as the court may
4 determine to be reasonable thus present the mto the
5 court for allowance, the court in which the exceptions
6 were taken and filed may, after notice to all parties
7 interested, order them to be dismissed, and thereupon
8 proceed to enter judgment in the same manner as if
9 no exceptions had been filed. But no exceptions shall
10 thus be dismissed within three months after the date of
11 their filing.

1 SECTION 3. This act shall take effect upon its passage.

