

HOUSE . . . No. 433

By Mr. Bateman of Winchester, petition of Thomas R. Bateman for an amendment of the law relative to the conduct of hearings by auditors. Judiciary (Joint).

The Commonwealth of Massachusetts

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

An Act relative to Auditors' Hearings.

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 fifty-eight of chapter two
2 hundred and twenty-one of the General Laws is
3 hereby amended by inserting after the word "neces-
4 sary" in the third line the words:—, subject, how-
5 ever, to any general or special order of the court, —
6 and by adding at the end thereof the following:—
7 In all matters pertaining to the time, place and manner
8 of conducting their hearings, auditors shall be subject
9 to any general or special order of the court by which
10 they were appointed, — so as to read as follows:—
11 *Section 58.* Auditors shall give notice to the parties
12 of the time and place appointed for their meeting,
13 and may adjourn from time to time as may be neces-
14 sary, subject, however, to any general or special order
15 of the court. If there is more than one auditor, all
16 shall meet and hear the cause, but a report may be
17 made by a majority. If either party neglects to ap-

18 pear at the time appointed for such hearing, or at any
19 adjournment thereof, without just cause, or if at
20 any such hearing either party refuses to produce in
21 good faith the testimony relied on by him, the auditors
22 may close the hearings and make a report recommend-
23 ing that judgment be entered for the adverse party.
24 Judgment shall be entered accordingly at the first
25 judgment day after the expiration of ten days from
26 the filing of the report, unless the court, for cause
27 shown, otherwise orders. In all matters pertaining
28 to the time, place and manner of conducting their
29 hearings, auditors shall be subject to any general or
30 special order of the court by which they were ap-
31 pointed.

1 SECTION 2. Section sixty of said chapter two hun-
2 dred and twenty-one is hereby repealed.

