

**RULES OF THE  
SUPERIOR COURT OF  
MASSACHUSETTS, 1906**

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Rules of the Superior Court of Massachusetts, 1906 by Various

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**VARIOUS**

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*Manuscripts O. Nichols*

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COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss. At the Superior Court holden at Boston, in the County of Suffolk, on the seventh day of April, in the year one thousand and nine hundred and six:

HON. JOHN ADAMS AIKEN, *Chief Justice.*

HON. EDGAR J. SHERMAN,

HON. ROBERT R. BISHOP,

HON. DANIEL W. BOND,

HON. ELISHA B. MAYNARD,

HON. FRANKLIN G. FESSENDEN,

HON. JAMES B. RICHARDSON,

HON. FRANCIS A. GASKILL,

HON. JOHN H. HARDY,

HON. WILLIAM B. STEVENS,

HON. CHARLES U. BELL,

HON. FREDERICK LAWTON,

HON. EDWARD P. PIERCE,

HON. JABEZ FOX,

HON. LEMUEL LE B. HOLMES,

HON. ROBERT O. HARRIS,

HON. CHARLES A. DECOURCY,

HON. WILLIAM CUSHING WAIT,

HON. WILLIAM SCHOFIELD,

HON. LLOYD E. WHITE,

HON. LORANUS E. HITCHCOCK,

HON. JOHN C. CROSBY,

HON. JOHN J. FLAHERTY.

*Justices.*

*Ordered,* That all the rules of this court be repealed from and after the first Monday of July next; and the following rules are established for regulating the modes of trial and the conduct of business in this court from and after that day.



## COMMON LAW RULES.

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### I.

The clerk of the court shall not enter any action upon the docket before the writ is returned and placed on file, except in cases in which the court may otherwise order. No appeal to this court shall be entered upon the docket, unless the original papers or copies are produced and filed at the time of entry, except for cause shown to the court.

### II.

Upon the entry of an action or appeal the name of the plaintiff's or appellant's attorney shall be entered on the clerk's docket. If either party changes his attorney, pending the suit, the name of the new attorney shall be substituted on the docket for that of the former attorney, and notice thereof given to the adverse party; and until such notice of the change of an attorney all

notices given to or by the attorney first appointed shall be considered in all respects as notices to or from his client, except in cases in which by law the notice is required to be given to the party personally; provided that nothing in these rules shall be construed to prevent either party in a suit from appearing for himself in the manner provided by law; in which case the party so appearing shall be subject to the same rules that are or may be provided for attorneys in like cases, so far as the same are applicable.

### III.

The right of an attorney of this court to appear for any party shall not be questioned by the opposite party, unless the objection be taken in writing within ten days after his appearance. When the authority of an attorney to appear for any party shall be demanded, if such attorney shall declare that he has been duly authorized to appear, by an application made directly to him by such party, or by some person whom he believes to have been authorized to employ him,

such declaration shall be taken to be evidence of authority to appear in such action or proceeding.

The attorney for the plaintiff in a trustee process shall not appear or act for the party summoned therein as trustee.

#### IV.

No attorney shall become bail or surety in any criminal proceeding in which he is employed, or in any civil suit or proceeding whatever in this court.

#### V.

No amendment in matter of substance shall be allowed after the entry of an action, unless by consent, in any case where the adverse party appears, except upon payment of a term fee; upon striking out unnecessary counts or statements, or filing amendments after demurrer, the same terms shall be imposed; and no such amendment shall be allowed, unless by consent, after an action is placed on the trial list, except upon payment of a double term fee. But this rule shall not pre-