

SENATE No. 222

To accompany the petition of Benjamin Goldman for legislation relative to trials before three justices of the Superior Court. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT RELATIVE TO TRIALS BEFORE THREE JUSTICES OF THE SUPERIOR COURT.

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. Chapter 212 of the General Laws, as
2 appearing in the Tercentenary Edition, is hereby
3 amended by adding after section 2 thereof the follow-
4 ing new section: —

5 *Section 2A.* (a) In any action at law where a
6 trial by jury has been waived or the parties agree
7 that the cause may be tried under this section, and
8 in any suit in equity, any party may file a claim of
9 trial by three justices of the superior court and there-
10 upon the cause shall be heard and determined by
11 three justices of the Superior court. Said justices
12 shall be assigned by the chief justice of said court. A
13 decision of a majority shall be the decision of the
14 court. The practice and procedure before said three
15 justices shall be the same as heretofore in actions at
16 law and suits in equity respectively.

17 (b) If the parties so agree the decision of the said
18 three justices, or a majority of them, shall be final
19 and conclusive upon all matters in controversy
20 whether in matters of fact or law. But the said three
21 justices, or a majority of them, may after a finding
22 of facts, either of their own motion or at the request
23 of any party, report the case to the supreme judicial
24 court for determination by the full court, and there-
25 upon like proceedings shall be had as in reports in
26 actions at law and suits in equity respectively.

1 SECTION 2. Chapter 214 of the General Laws, as
2 appearing in the Tercentenary Edition, is hereby
3 amended by adding at the end of section 16 thereof
4 the following words: — except as provided in section
5 two A of chapter two hundred and twelve.