

HOUSE No. 717

By Mr. Tarbell of Lincoln (by request), petition of John E. Daniels relative to jurisdiction of the Superior Court under the laws relating to compensation to employees injured in industrial accidents. Judiciary (Joint).

The Commonwealth of Massachusetts

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

An Act relative to the Jurisdiction of the Superior Court
under the Workmen's Compensation Act.

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 eleven of chapter one hundred and fifty-
2 two of the General Laws is hereby amended by in-
3 serting at the end of the first sentence thereof the
4 following words:— provided, however, that the su-
5 perior court may set aside any such order or decision
6 where the findings of facts are, in the opinion of the
7 court, contrary to the weight of the evidence, — so
8 that said section shall read as follows:— *Section 11.*
9 Any party in interest may present certified copies
10 of an order or decision of the reviewing board, a
11 decision of a member from which no claim for review
12 has been filed within the time allowed therefor, or
13 a memorandum of agreement approved by the de-
14 partment, and all papers in connection therewith,
15 to the superior court for the county in which the in-

16 jury occurred or for the county of Suffolk, where-
17 upon said court shall render a decree in accordance
18 therewith and notify all parties; provided, how-
19 ever, that the superior court may set aside any such
20 order or decision where the findings of facts are, in
21 the opinion of the court, contrary to the weight of
22 the evidence. Such decree shall have the same ef-
23 fect, and all proceedings in relation thereto shall
24 thereafter be the same, as though rendered in a suit
25 duly heard and determined by said court, except
26 that there shall be no appeal therefrom upon ques-
27 tions of fact or where the decree is based upon a de-
28 cision of a member or a memorandum of agreement,
29 and except that there shall be no appeal from a
30 decree based upon an order or decision of the review-
31 ing board which has not been presented to the court
32 within ten days after the notice of filing thereof by
33 said board. Upon the presentation to it of a certified
34 copy of a decision ending, diminishing or increasing a
35 weekly payment under the following section the court
36 shall revoke or modify the decree to conform to such
37 decision.