

HOUSE No. 2805

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 11, 1955.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 1354) of Joseph P. Graham for establishing the jurisdiction of the municipal court of the city of Boston in appeals from decisions of the Motor Vehicle Insurance Appeal Board, the Industrial Accident Board and the Civil Service Commission and providing for adjustment of the salaries of the justices of said court, report (in part) the accompanying bill (House, No. 2805).

For the committee,

JOSEPH P. GRAHAM.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT ESTABLISHING THE JURISDICTION OF THE MUNICIPAL COURT OF THE CITY OF BOSTON IN CONNECTION WITH THE JUDICIAL REVIEW OF CERTAIN DECISIONS OF THE CIVIL SERVICE COMMISSION.

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. Paragraph (d) of section 43 of chapter 31
2 of the General Laws, as appearing in section 1 of chap-
3 ter 373 of the acts of 1947, is hereby amended by in-
4 serting after the word "by", in line 5, the words:—
5 the municipal court of the city of Boston or, — so as
6 to read as follows:— (d) The reasons, notices and
7 answers and the order of discharge, removal, suspension,
8 layoff, transfer, lowering in rank or compensation or
9 abolition of the office or position, and the facts as found
10 by the commission, shall be subject to judicial review
11 by the municipal court of the city of Boston or the
12 district court within the judicial district of which such
13 person resides, as provided in section forty-five.

1 SECTION 2. Section 45 of said chapter 31, as amended
2 by section 2 of chapter 667 of the acts of 1945, is hereby
3 further amended by inserting after the word "in",
4 in line 7, the words:— the municipal court of the city
5 of Boston or in, — so as to read as follows:— *Section 45.*
6 Within thirty days after action by the commission on
7 a hearing provided for in section forty-three, the person
8 who was discharged, removed, suspended, laid off,
9 transferred or lowered in rank or compensation, or
10 whose office or position was abolished, may, if said
11 action was affirmed by the commission, bring a petition

12 in the municipal court of the city of Boston or in the
13 district court within the judicial district of which such
14 person resides, addressed to the justice of the court,
15 praying that the action of the appointing authority
16 and of the commission in discharging, removing, sus-
17 pending, laying off or transferring him or lowering him
18 in rank or compensation or abolishing his office, may be
19 reviewed by the court, and, after such notice to the
20 appointing authority and the commission as the court
21 deems necessary, it shall hear witnesses, review such
22 action, and determine whether or not upon all the
23 evidence such action was justified. If the court finds
24 that such action was justified the action of the appoint-
25 ing authority and of the commission shall be affirmed;
26 otherwise they shall be reversed and the petitioner shall
27 be reinstated in his office or position without loss of
28 compensation. The decision of the court shall be final
29 and conclusive upon the parties, and a copy of the
30 decision shall be forwarded forthwith by the clerk of
31 the court to the director.

1 SECTION 3. This act shall take effect on October
2 **first**, nineteen hundred and fifty-five.

