

# SENATE . . . . No. 646

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## The Commonwealth of Massachusetts

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SENATE, May 3, 1956.

The committee on the Judiciary, to whom was referred so much of the message from His Excellency the Governor transmitting the report of the Judicial Survey Commission appointed by him to investigate the administration of justice in the courts of the Commonwealth (House, No. 2620) as relates to authorizing justices of district courts to sit in the Superior Court (page 14); and so much of the thirty-first annual report of the Judicial Council (Pub. Doc. No. 144) as relates to the extension for five years of the Act authorizing justices of district courts to sit in the Superior Court on motor vehicle tort actions (pages 15-17), report the accompanying Bill (Senate, No. 646).

For the committee,

RALPH V. CLAMPIT.

## The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING JUSTICES OF DISTRICT COURTS TO SIT IN THE SUPERIOR COURT ON MOTOR VEHICLE TORT ACTIONS.

*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 is  
2 hereby amended by striking out section 14B, inserted  
3 by section 1 of chapter 668 of the acts of 1954, and  
4 inserting in place thereof the following section:—

5 *Section 14B.* A justice of a district court or a justice  
6 of the municipal court of the city of Boston shall, at the  
7 written request of the chief justice of the superior court,  
8 sit in the superior court at the trial or disposition with or  
9 without a jury in any part of the commonwealth of any  
10 motor vehicle tort action, or of any violation of a by-law,  
11 order, ordinance, rule or regulation made by a city or  
12 town or public officer or of any misdemeanor except  
13 conspiracy or libel, and during the continuance of such  
14 request shall have and exercise all the powers and duties  
15 which a justice of the superior court has and may exercise  
16 in the trial and disposition of such cases.

17 No justice so sitting shall act in a case in which he has  
18 either sat or held an inquest in the district court or other-  
19 wise has an interest. No justice of a district court shall  
20 so sit in the superior court, as aforesaid, unless his name  
21 appears on a list submitted to the chief justice of the  
22 superior court for the purpose of this section by the ad-  
23 ministrative committee of the district courts.

24 In the event that by reason of his physical or mental  
25 disability, death, resignation, retirement, or removal any  
26 justice presiding at a trial pursuant to this section shall  
27 fail to sign or return exceptions taken at the trial, to

28 make a report after he has reserved the case for report to  
29 the supreme judicial court, to enter a verdict or finding  
30 after reserving leave, with the assent of the jury, to do  
31 so, to set aside the verdict in a civil action and order a  
32 new trial, for a cause for which a new trial may by law  
33 be granted, or otherwise to exercise any of the powers  
34 and duties granted to him by this section in the disposi-  
35 tion of such case, the chief justice of the superior court  
36 may assign any other justice authorized to sit in the  
37 superior court pursuant to this act, or any justice of the  
38 superior court, to have and exercise such powers and  
39 duties.

1 SECTION 2. This act shall not be operative after  
2 September first, nineteen hundred and sixty-one, except  
3 that any justice sitting in the superior court pursuant to  
4 this act at the trial of any case prior to such date, shall  
5 continue thereafter, upon assignment by the chief justice  
6 of the superior court, to have and exercise all the powers  
7 and duties granted to him by this act in the disposition  
8 of such case.

