
By Mr. Hogan, petition of Charles V. Hogan and Edmund R. St. John, Jr., for legislation to extend the equity jurisdiction of the probate courts. Legal Affairs.

The Commonwealth of Massachusetts

In The Year One Thousand Nine Hundred and Sixty-Three.

AN ACT EXTENDING THE EQUITY JURISDICTION OF THE PROBATE COURTS.

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 214 of the General Laws is hereby
2 amended by striking out section 1, as amended by section 2 of
3 chapter 407 of the acts of 1935, and inserting in place thereof
4 the following section: —

5 *Section 1.* The supreme judicial, superior and probate
6 courts shall have original and concurrent jurisdiction in equity
7 of all cases and matters of equity cognizable under the general
8 principles of equity jurisprudence and, with reference there-
9 to, shall be courts of general equity jurisdiction, except that
10 the superior court shall have exclusive original jurisdiction of
11 all suits in which injunctive relief is sought in any matter in-
12 volving or growing out of a labor dispute as defined in section
13 twenty C of chapter one hundred and forty-one.

1 SECTION 2. Section 32A of said chapter 214, inserted by
2 section 1 of chapter 567 of the acts of 1962, is hereby repealed.

1 SECTION 3. Said chapter 214 is hereby further amended by
2 inserting after section 36 the following section: —

3 *Section 36A.* The probate court, upon request of a party to
4 an equity cause pending therein, may frame issues of fact to
5 be tried by a jury and order them to be tried in the superior
6 court for the county in which such cause is pending.

1 SECTION 4. Section 6 of chapter 215 of the General Laws
 2 is hereby amended by striking out the next to the last sen-
 3 tence, inserted by section 3 of chapter 485 of the acts of 1950,
 4 and inserting in place thereof the following sentence: — They
 5 shall also have jurisdiction, concurrent with the superior
 6 court, of proceedings in equity under sections seven to twelve,
 7 inclusive, of chapter one hundred and seventeen and section
 8 ninety-six of chapter one hundred and twenty-three, and or-
 9 iginal and concurrent jurisdiction in equity with the supreme
 10 judicial and superior courts under section one of chapter two
 11 hundred and fourteen.