

# SENATE . . . . No. 512

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## The Commonwealth of Massachusetts

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SENATE, May 17, 1935.

The committee on Bills in the Third Reading, to which was referred the Bill providing for trial together of several actions arising out of one motor vehicle accident (House, No. 1993), reports recommending that the same be amended by substituting therefor a new draft with the same title (Senate, No. 512), and that, when so amended, the same will be correctly drawn.

For the committee,

EDWARD H. NUTTING.

## The Commonwealth of Massachusetts

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

An Act providing for Trial Together of Several Actions  
Arising out of One Motor Vehicle Accident.

*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 two hundred and twenty-  
2 three of the General Laws is hereby amended by  
3 inserting after section two, as most recently amended  
4 by section two of chapter three hundred and eighty-  
5 seven of the acts of nineteen hundred and thirty-four,  
6 the following new sections: —

7 *Section 2A.* A district court, upon motion by  
8 either party, may, before trial, order any action  
9 brought therein to recover damages for injury to  
10 the person, including death, or to property, as a  
11 result of the alleged negligent or other tortious use  
12 or operation of a motor vehicle or trailer, transferred  
13 to any other district court in the commonwealth in  
14 which an action arising out of the same accident is  
15 properly pending, whether or not the action so trans-  
16 ferred was properly brought in the court from which  
17 it is transferred. Upon the entry of such order, all  
18 papers in such action shall be transmitted by the  
19 clerk to the district court to which such cause has  
20 been transferred. Thereupon the court to which  
21 such action is transferred shall have jurisdiction

22 thereof, and the same shall be tried together with  
23 the aforesaid action originally commenced therein,  
24 and all further proceedings therein shall be the same  
25 as if said action had been so commenced.

26 *Section 2B.* Whenever two or more actions aris-  
27 ing out of one accident in which a motor vehicle or  
28 trailer is involved are pending in several district  
29 courts, the superior court, sitting in any county in  
30 which any of said district courts is situated, or in  
31 the session on hearing motions in the county of  
32 Suffolk, upon petition and after such notice as is  
33 required for a motion in the superior court, may,  
34 before trial, order all of said actions to be tried to-  
35 gether in the district court in which any of them  
36 was properly brought, and for that purpose may  
37 order any of said actions to be transferred in the  
38 manner and with the effect provided in the preced-  
39 ing section.

40 *Section 2C.* Whenever two or more actions aris-  
41 ing out of one such accident are pending in the  
42 superior court and in one or more district courts,  
43 the superior court, upon petition and after notice  
44 as provided in the preceding section, may, before  
45 trial, order such action or actions pending in district  
46 courts to be removed to the superior court, without  
47 payment of entry fee, filing of a bond or making a  
48 deposit in lieu thereof, and the papers shall accord-  
49 ingly be transmitted to the superior court for any  
50 county in which any such action therein is pending,  
51 the superior court shall have jurisdiction thereof,  
52 and all further proceedings shall be the same as if  
53 said actions had been originally commenced in the  
54 superior court. A party to an action so removed  
55 shall thereupon have the same right to claim a trial

56 by jury as if the case were removed under section  
57 one hundred and four of chapter two hundred and  
58 thirty-one. Said actions shall be tried together and  
59 the trial shall be by jury if any party had seasonably  
60 claimed such a trial. If there are two or more such  
61 cases pending in the superior court in different  
62 counties, all such cases pending in any county other  
63 than that to which such district court cases were  
64 transferred shall be transferred to that county with  
65 like effect.

66 - *Section 2D.* Section four of chapter two hundred  
67 and forty-six of the General Laws shall not apply to  
68 any action transferred or removed in accordance  
69 with any one of the three preceding sections.

1 SECTION 2. This act shall take effect on October  
2 first in the current year.