

HOUSE . . . . . No. 2629

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, February 2, 1961.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, Senate, No. 217) of William D. Fleming and another for legislation to authorize the trial of civil actions in the Central District Court of Worcester by a jury of six, report the accompanying bill (House, No. 2629).

For the committee,

MICHAEL A. D'AVOLIO.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-One.

### AN ACT AUTHORIZING THE TRIAL OF CIVIL ACTIONS IN THE CENTRAL DISTRICT COURT OF WORCESTER BY A JURY OF SIX.

*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. After the entry of a civil action in the central  
2 district court of Worcester, any party may, within the time  
3 provided or allowed for the filing of an answer, claim a trial by  
4 a jury of six. Trials by such juries in said district court shall  
5 proceed in accordance with the provisions of law applicable to  
6 trials by jury in the superior court, except that each party shall  
7 be entitled to two peremptory challenges. Jurors shall be drawn  
8 from the pool of jurors available for the jury sessions in civil  
9 cases in the superior court for Worcester county. The first  
10 justice of the central district court of Worcester shall arrange  
11 jury sessions in his court and assign justices thereto, to the end  
12 that there may be a speedy disposition of cases tried by jury  
13 in said court. In the event of a trial by jury in the central dis-  
14 trict court of Worcester, review may be had directly by the  
15 supreme judicial court, by a bill of exceptions, appeal or report,  
16 in the same manner provided for trials by jury in the superior  
17 court. If any party claims a trial by a jury of six, any other  
18 party shall have seven days within which to refuse to agree to  
19 such trial, and in case of such written refusal filed with the  
20 clerk, the party claiming such trial by jury of six may within  
21 six days thereafter remove the case for trial before the superior  
22 court with or without jury. If any party refuses to agree to a  
23 trial by a jury of six and the case is not removed to the superior  
24 court under the provisions of this section or section one hundred  
25 and two B or sections one hundred and four to one hundred  
26 and seven, inclusive, of chapter two hundred and thirty-one of  
27 the General Laws the trial shall be in the district court without  
28 jury. At any time prior to trial the parties by agreement may  
29 have a trial by a jury of six.

1 SECTION 2. This act shall apply to actions entered in said  
2 court between July first, nineteen hundred and sixty-one and  
3 July first, nineteen hundred and sixty-four.