

HOUSE No. 1686

Substituted by the House, on motion of Mr. Sherman of Somerville, for a Bill to authorize the entry of writs, processes, etc., in Supreme Judicial Court in the county of Dukes County (House, No. 324). March 8.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO ACTIONS, SUITS AND PROCEEDINGS ARISING OR PENDING IN THE COUNTY OF DUKES WHICH ARE COGNIZABLE BY THE SUPREME JUDICIAL COURT.

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 eleven of
2 the General Laws is hereby amended by striking out
3 section nineteen and inserting in place thereof the
4 following:—

5 *Section 19.* An action, suit or proceeding arising
6 or pending in the county of Nantucket, which is
7 cognizable by the supreme judicial court and which
8 is to be heard before one justice, shall be entered,
9 heard, tried and determined at the court held in the
10 county of Bristol, in all respects as if the same court
11 were held in the county of Nantucket. An action,
12 suit or proceeding arising or pending in the county
13 of Dukes, which is so cognizable and which is to be

14 heard before one justice, shall be heard, tried and
15 determined at the court held in the county of Bristol,
16 in all respects as if the same court were held in the
17 county of Dukes; provided, that the records and
18 papers in all such cases entered in the county of
19 Dukes shall be kept in said county, but the papers
20 may be transmitted to and from any other county
21 in accordance with such rules or orders as said court
22 may make. All matters cognizable by the full court
23 arising or pending in the county of Dukes or Nan-
24 tucket shall be heard and determined as if arising in
25 the county of Bristol.

1 SECTION 2. Section twenty-four of chapter two
2 hundred and twenty-three of the General Laws, as
3 appearing in the Tercentenary Edition, is hereby
4 amended by striking out, in the eleventh line, the
5 words "Dukes or", — so as to read as follows:—
6 *Section 24.* The first Monday of every month shall
7 be a return day in every county for writs, processes,
8 notices to appear and citations in all actions, suits
9 and other civil proceedings in the supreme judicial
10 court and the superior court, and for the entry in the
11 superior court of actions appealed from district courts.
12 If said first Monday is a legal holiday, such writs,
13 processes, notices and citations shall be returned, and
14 such suits entered, on the day following. Such writs,
15 processes, notices and citations may be made return-
16 able, at the election of the party who takes out the
17 same, at any return day within three months after
18 the date thereof; but said courts may make them
19 returnable at other times. If they issue out of the
20 supreme judicial court for Nantucket county, they
21 shall be returnable in Bristol county.