

HOUSE No. 728.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 16, 1894.

The joint committee on the Judiciary, to whom was referred the petition of Arthur S. Kneil to extend the jurisdiction of the inferior courts of the Commonwealth, and the petition of M. G. B. Swift and others for an amendment of the law relative to the jurisdiction of district and police courts in transitory and personal actions, report the accompanying Bill.

For the Committee,

A. S. KNEIL.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-four.

AN ACT

Relative to the Jurisdiction and Process of District and Police 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. Civil actions brought in a district or
2 police court shall be brought in the court of the district
3 where some one of the parties resides or has his usual
4 place of business, except in the following cases:—
5 First. - Actions of summary process for the recovery
6 of land, under chapter one hundred and seventy-five of
7 the Public Statutes, shall be brought in the court of the
8 district where the premises in controversy are situated.
9 Second. If the defendant is not an inhabitant of the
10 Commonwealth, and personal service or an effectual
11 attachment of his property is made, the action may be
12 brought in any such court within the county in which
13 such service or attachment is made; and if, in such cases,
14 the plaintiff does not live or have his usual place of busi-
15 ness in the county in which such service or attachment is
16 made, or lives out of the Commonwealth, the action may
17 be brought in any such court held in such county.

18 Third. If either of the parties lives or has his usual
19 place of business in a town which is not within the judi-
20 cial district of any such court, the action may be brought
21 in any such court within the county whose place of sitting
22 is within fifteen miles of the place of residence of such
23 party.

24 Except as above provided, said courts shall not have
25 jurisdiction of transitory and personal actions unless some
26 one of the defendants, or in the trustee process some one
27 of the persons named in the writ as trustees, lives or has
28 his usual place of business in the county where the action
29 is brought.

30 The jurisdiction of said courts, when some one of the
31 parties lives or has his usual place of business or when
32 the premises aforesaid are situated in their district, shall
33 exclude the jurisdiction of trial justices.

1 SECT. 2. The original writ in all civil actions com-
2 menced before a district or police court shall be a sum-
3 mons or a capias and attachment, the forms of which
4 shall be regulated as provided in chapter one hundred
5 and sixty-one of the Public Statutes, and shall be re-
6 turned not more than sixty days from the date thereof,
7 and may run throughout the county in which the court to
8 which it is returnable is held, and into any other county
9 for the purpose of attaching property therein; or for ser-
10 vice on a defendant residing in another county when one
11 of several defendants resides within the district of such
12 court; or for service on a defendant residing in another
13 county when a person dwelling or having his usual place
14 of business in the county where the court is held is sum-
15 moned as a trustee; or for service on a defendant in an
16 action of forcible entry and detainer, and may be directed
17 to and served by any officer qualified to serve civil proc-
18 ess. Such service, if made in another county, shall be

19 made fourteen days at least before the return day. Ex-
20 ecutions may be served, and shall be obeyed in every
21 county to which they are directed.

1 **SECT. 3.** Sections thirteen and seventeen of chapter
2 three hundred and ninety-six of the acts of the year
3 eighteen hundred and ninety-three are hereby repealed.
4 References in other parts of said chapter, or in other
5 acts, to said sections thirteen and seventeen shall be con-
6 strued as references to sections one and two of this act,
7 and said sections one and two shall be deemed to be con-
8 tinuations of said sections thirteen and seventeen, respec-
9 tively.