

HOUSE No. 1141.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 6, 1905.

The committee on the Judiciary, to whom was referred the petition (with accompanying bill, House, No. 737) of Michael L. Eisner for legislation relative to certain actions against the Commonwealth, especially actions arising from injuries received on State highways, report the accompanying bill.

For the committee,

WILMOT R. EVANS, JR.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Five.

AN ACT

Relative to the Prosecution in the Superior Court of
Claims against the Commonwealth.

*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. Section one of chapter two hun-
2 dred and one of the Revised Laws is hereby
3 amended by striking out the words "for the
4 county of Suffolk," in the first line, so as to read
5 as follows:—

6 *Section 1.* The superior court shall have juris-
7 diction of all claims at law or in equity against
8 the Commonwealth. Such claims may be en-
9 forced by petition stating clearly and concisely
10 the nature of the claim and the damages de-
11 manded, and such petition shall be served by the
12 sheriff of the county of Suffolk or any of his dep-
13 uties by leaving an attested copy thereof in the
14 hands or in the office of the attorney-general, and
15 a like copy in the hands or in the office of the

16 secretary of the Commonwealth, thirty days at
17 least before the return day thereof.

1 SECTION 2. Section two of said chapter is
2 hereby amended by striking out the word "one,"
3 in the fourth line, and inserting in place thereof
4 the word:—*two*; and by adding at the end of
5 said section the words:—*If the amount claimed*
6 *is more than two thousand dollars the action or*
7 *petition shall be brought in the county of Suffolk;*
8 *but if the amount claimed is two thousand dollars*
9 *or less the action or petition may be brought in the*
10 *county of Suffolk or in the county in which the*
11 *plaintiff or petitioner resides; but if the action*
12 *or petition is to recover damages for injuries sus-*
13 *tained while travelling on a state highway, it may*
14 *be brought in the county of Suffolk or in the*
15 *county in which the plaintiff or petitioner resides,*
16 *or in the county in which the injuries were sus-*
17 *tained,— so as to read as follows:—*

18 Section 2. The provisions of law relative to
19 tender, offer of judgment, set-off and recoupment
20 shall apply to such petition, and the case shall be
21 tried by the court without a jury, and, if the
22 amount claimed is more than *two* thousand dol-
23 lars, by three justices of said court. All hearings
24 shall be in open court and questions of law may
25 be taken to the supreme judicial court as in other
26 cases. *If the amount claimed is more than two*
27 *thousand dollars the action or petition shall be*
28 *brought in the county of Suffolk; but if the*
29 *amount claimed is two thousand dollars or*

30 *less the action or petition may be brought in*
31 *the county of Suffolk or in the county in which*
32 *the plaintiff or petitioner resides, but if the action*
33 *or petition is to recover damages for injuries sus-*
34 *tained while travelling on a state highway, it may*
35 *be brought in the county of Suffolk or in the*
36 *county in which the plaintiff or petitioner resides,*
37 *or in the county in which the injuries were sus-*
38 *tained.*