
By Mr. Locke, a petition of David H. Locke and William D. Weeks for legislation relative to remanding civil actions from the Superior Court to the district court and providing for trials by certain justices. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT RELATIVE TO REMANDING CIVIL ACTIONS FROM THE SUPERIOR COURT TO THE DISTRICT COURT AND PROVIDING FOR TRIALS BY CERTAIN JUSTICES.

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 102C of chapter 231 of the General
2 Laws is hereby amended by striking out the first paragraph,
3 as most recently amended by chapter 305 of the acts of 1962,
4 and inserting in place thereof the following paragraph: —

5 The superior court may of its own motion or on the motion
6 of a plaintiff or defendant, except for good cause shown to
7 said court by either of said parties, transfer for trial any
8 action of tort or contract pending in said court to the court
9 from which such action was previously removed, if any, or if
10 such action was originally entered in the superior court, to
11 any district court, including the municipal court of the city of
12 Boston, in which it could have been brought under the pro-
13 visions of section two of chapter two hundred and twenty-
14 three.

1 SECTION 2. Said section 102C of said chapter 231 is hereby
2 further amended by striking out the first sentence of the third
3 paragraph, as most recently amended by chapter 303 of the
4 acts of 1960, and inserting in place thereof the following
5 sentence: — Such action shall, unless retransferred as herein-
6 after provided, be pending in the district court and shall be
7 tried by any justice of the district court to which said case
8 has been transferred, including any special justice thereof.

1 SECTION 3. Section 40 of chapter 218 of the General Laws,
 2 as most recently amended by section 5 of chapter 810 of the
 3 acts of 1963, is hereby further amended by striking out the
 4 second paragraph.