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By Mr. Bevilacqua of Haverhill, petition of Francis J. Bevilacqua for legislation to authorize the trial of civil actions in the Central District Court of Northern Essex by a jury of six. The Judiciary.

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## The Commonwealth of Massachusetts

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

### AN ACT AUTHORIZING THE TRIAL OF CIVIL ACTIONS IN THE CENTRAL DISTRICT COURT OF NORTHERN ESSEX 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. Chapter 218 of the General Laws is hereby  
2 amended by inserting after section 19A the following section:—  
3 *Section 19B.* After the entry of a civil action in any district  
4 court in the county of Essex, any party may, within the time  
5 provided or allowed for the filing of an answer, claim a trial by  
6 a jury of six. Trials by such juries of six shall be held in the  
7 central district court of Northern Essex, at Haverhill, and shall  
8 proceed in accordance with the provisions of law applicable to  
9 trials by jury in the superior court, except that each party shall  
10 be entitled to two peremptory challenges. Jurors shall be as-  
11 signed from the pool of jurors available for the jury sessions in  
12 civil cases in the superior court for Essex county. The chief  
13 justice of the district courts of Massachusetts shall arrange for  
14 such jury sessions in the central district court of Northern Essex  
15 at a time co-terminous with a civil jury session held in the su-  
16 perior court sitting in Essex county and assign justices thereto,  
17 to the end that there may be a speedy disposition of cases tried  
18 by jury of six in the central district court of Northern Essex.  
19 Upon the filing of a claim, by either party to a civil action for  
20 trial by jury of six, in any district court of Essex county, the  
21 clerk of such court shall forthwith forward all papers filed in

22 said case to the clerk's office of the central district court of  
23 Northern Essex. A justice of the superior court sitting in civil  
24 session with jury in Essex county shall assign to the central dis-  
25 trict court of Northern Essex for trial of civil cases with jury of  
26 six, such number of jurors for such period of time as may be re-  
27 quested of him by the chief justice of the district court of Massa-  
28 chusetts. Jurors sitting in the central district court of Northern  
29 Essex shall be compensated and their expenses paid by the county  
30 treasurer in the same manner as though sitting in the superior  
31 court.

32 In the event of a trial by jury in the central district court of  
33 Northern Essex, review may be had directly by the supreme  
34 judicial court, by a bill of exceptions, appeal or report, in the  
35 same manner provided for trials by jury in the superior court.  
36 If any party claims a trial by a jury of six, any other party shall  
37 have seven days within which to refuse to agree to such trial,  
38 and in case of such written refusal filed with the clerk, the party  
39 claiming such trial by jury of six may within six days thereafter  
40 remove the case for trial before the superior court with or with-  
41 out jury. If any party refuses to agree to a trial by a jury of  
42 six and the case is not removed to the superior court under the  
43 provisions of this section or section one hundred and four or one  
44 hundred and seven, inclusive, of chapter two hundred and  
45 thirty-one, the trial shall be in the district court without jury.  
46 At any time prior to trial the parties by agreement may have a  
47 trial by a jury of six.

1 SECTION 2. This act shall take effect upon its passage and  
2 shall apply to civil actions entered in any district court of Essex  
3 county on or after its effective date.