

HOUSE No. 830

By Mr. McCarthy of Medfield, petition of Samuel G. Thorner for conferring upon probate courts exclusive jurisdiction over libels for divorce. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT CONFERRING UPON THE PROBATE COURT EXCLUSIVE JURISDICTION OVER LIBELS FOR DIVORCE.

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 208 of the General Laws is
2 hereby amended by striking out section 6, as appear-
3 ing in the Tercentenary Edition, and inserting in
4 place thereof the following:—

5 *Section 6.* Libels for divorce shall be filed, heard
6 and determined in the probate court held for the
7 county where one of the parties lives, except that, if
8 the libellant has left the county where the parties
9 lived together and the libellee still lives therein, the
10 libel shall be heard and determined in the probate
11 court held for that county.

1 SECTION 2. Section 8 of said chapter 208, as so
2 appearing, is hereby amended by striking out, in

3 line 1, the words "the clerk or", and by striking out,
4 in line 7, the words "clerk or," — so as to read as
5 follows:— *Section 8.* The court or the register of
6 probate may order the libellee to be summoned to
7 appear and answer at the court having jurisdiction
8 of the cause, by the publication of such a form of
9 notice, as it or he may require, in one or more news-
10 papers to be designated in the order, or by delivering
11 to the libellee an attested copy of the libel and a
12 summons, or in such other manner as it or he may re-
13 quire. If such order is made by the register, the court
14 may order an additional notice. If the libellee does
15 not appear and the court considers the notice defective
16 or insufficient, it may order further notice. Personal
17 service of the libel may be made upon the libellee, if
18 outside of the commonwealth, by a sheriff or deputy
19 sheriff of the commonwealth or by any duly con-
20 stituted public officer qualified to serve like process
21 in the place in which service is made, and when so
22 made no publication shall be required.