

HOUSE No. 1780

Bill accompanying the petition of Richard W. Hale and others for legislation relative to procedure in the courts in causes against the commonwealth. Joint Judiciary. June 9.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Ten.

AN ACT

Relative to Procedure in the Courts in Causes 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. Chapter two hundred and one of the
2 Revised Laws, as amended by chapter three hun-
3 dred and seventy of the acts of the year nineteen
4 hundred and five, by chapter two hundred and
5 eighty-eight of the acts of the year nineteen hun-
6 dred and eight and by chapter two hundred and
7 four of the acts of the year nineteen hundred and
8 nine and by chapter five hundred and fifty-five of
9 the acts of the year nineteen hundred and ten, is
10 hereby amended by inserting after section one a
11 new section, to be numbered section two, as fol-

12 lows:— *Section 2.* The provisions of law relative
13 to tender, offer of judgment, set-off and recoup-
14 ment shall apply to the said petition, and the case
15 shall be tried by the court without a jury. All
16 hearings shall be in open court, except that upon
17 motion by the attorney-general or the petitioner
18 an auditor or master may be appointed, and ques-
19 tions of law may be taken to the supreme federal
20 court, as in other cases. If the amount claimed is
21 more than two thousand dollars the action or pe-
22 tition shall be brought in the county of Suffolk;
23 but if the amount claimed is two thousand dollars
24 or less the action or petition may be brought in
25 the county of Suffolk or in the county in which
26 the plaintiff or petitioner resides. If the action
27 or petition is to recover damages for injuries sus-
28 tained while travelling on a state highway it may
29 be brought in the county of Suffolk or in the
30 county in which the plaintiff or petitioner resides,
31 or in the county in which the injuries were sus-
32 tained.

1 SECTION 2. The provisions of the preceding sec-
2 tion shall apply to all petitions against the com-
3 monwealth now pending in the superior court.

1 SECTION 3. This act shall take effect upon its
2 passage.