HOUSE....No. 146.

Commonwealth of Massachusetts.

House of Representatives, April 1, 1852.

The Special Committee to whom was referred the petition of Nathaniel Wood and others, of Fitchburg, in relation to the establishing of terms of the Court of Common Pleas at Fitchburg, in Worcester County, report the accompanying bill.

A. R. BROWN, *in behalf of the Committee.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-Two.

AN ACT

Concerning the Courts of Common Pleas in the County of Worcester.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The term of the Court of Common Pleas which is now by law to be held at Worcester, within and for the county of Worcester, on the first Monday of March, annually, shall hereafter be held at Fitchburg, in said county, on the second Monday of March, in every year; and an additional term of the said Court, for the transaction of the civil business thereof only, shall be held at Fitchburg aforesaid, on the third Monday of October, in every year.

SECT. 2. All writs and processes which are or may be made returnable at the term aforesaid at Worcester,

shall be returned to and be acted upon at the term of the said court, as by this act established, to be held at Fitchburg, on the second Monday of March.

SECT. 3. All actions in which the plaintiffs are inhabitants of either of the towns of Ashburnham, Athol, Fitchburg, Gardner, Leominster, Lunenburg, Phillipston, Royalston, Templeton, Westminster, or Winchendon, or reside without the county of Worcester, shall, if the plaintiff in the action shall so elect, or, in case that both of the parties are inhabitants of any of the towns above enumerated, if either party shall so elect, be heard and tried at the terms of the said court, which by this act are established to be held at Fitchburg; and all actions in which the plaintiffs are inhabitants of any of the towns of Worcester County other than those above enumerated, or reside without the said county, shall, if the plaintiff in the action shall so elect, or, in case that both of the parties are inhabitants of any of such other towns, if either party shall so elect, be heard and tried at the terms of the said court, which are by law to be held at Worcester. And in all cases where the parties to any action shall agree that such action shall be heard and tried at the terms of the said court held at either one of the two places above-named, the same shall be heard and tried at the place so agreed upon.

SECT. 4. Such election or agreement as to the place of trial of any action, shall, at the request of either party who is entitled to make such election, or who has entered into such agreement, be noted by the clerk upon the docket, within the time that may be allowed for filing an affidavit of defence in such

action; and actions so noted shall draw costs for travel, attendance, or term fee, after the expiration of the time so allowed, only for those terms of the said court which are held at the place where such actions are noted to be tried.