

HOUSE No. 2755

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 22, 1954.

The committee on the Judiciary, to whom was recommit-
ted the Bill relating to venue in actions of contract or
tort in the district courts (House, No. 2630), report that
the same ought to pass in the form of a new draft here-
with submitted (House, No. 2755).

For the committee,

J. PHILIP HOWARD.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT RELATING TO VENUE IN CERTAIN ACTIONS OF TORT AND IN ACTIONS OF CONTRACT IN THE DISTRICT COURTS.

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 2 of chapter 223 of the General
2 Laws is hereby amended by striking out the first
3 paragraph, as amended by section 2 of chapter 296 of
4 the acts of 1943, and inserting in place thereof the
5 following paragraph: —

6 Except as provided in section twenty-one of chap-
7 ter two hundred and eighteen, and except as pro-
8 vided in this section, a transitory action in a district
9 court, other than an action of tort arising out of the
10 ownership, operation, maintenance, control or use of
11 a motor vehicle or trailer as defined in section one of
12 chapter ninety, shall be brought in the county where
13 one of the defendants lives or has his usual place of
14 business, and in a court within or adjoining whose
15 judicial district one of the parties lives or has his
16 usual place of business. An action of tort arising out
17 of the ownership, operation, maintenance, control or
18 use of a motor vehicle or trailer as defined in section
19 one of chapter ninety may be brought in a district
20 court within the judicial district of which one of the
21 parties lives, or in any district court the judicial dis-
22 trict of which adjoins and is in the same county as
23 the judicial district in which the defendant lives or
24 has his usual place of business; provided, that if one
25 of the parties to any such action lives in Suffolk
26 county, such action may be brought in the municipal
27 court of the city of Boston. A transitory action in a

28 district court commenced by trustee process shall be
29 brought in the county where all persons named in the
30 writ as trustees live or have their usual places of busi-
31 ness, and in a court within whose judicial district one
32 of the parties lives or has his usual place of business,
33 except that an action commenced by trustee process
34 may be brought in the municipal court of the city of
35 Boston if any trustee resides or has his usual place of
36 business in Suffolk county.

1 SECTION 2. This act shall take effect on October
2 first of the current year and shall apply only to actions
3 commenced thereafter.

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