

HOUSE No. 1608

By Mr. Bond of Medford, petition of Frank Ramacorti for amendment of the law relative to liability of two or more persons jointly and severally in connection with actions for damage for personal injuries. Judiciary (Joint).

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act relative to Joining of Certain Actions.

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. Where two or more persons are
2 jointly and severally liable for personal injuries or
3 where there are two or more persons who have re-
4 ceived injuries in the same accident claim one or
5 more persons to be jointly and severally liable and
6 where suit is brought against one of the said persons
7 jointly and severally liable or where a suit is brought
8 by one of the said persons so injured, either the per-
9 son so sued or the person suing shall be allowed to
10 have such other persons joined and have all actions
11 tried at one time.

1 SECTION 2. In such cases orders of personal no-
2 tices shall issue and after the return day answers
3 and declarations must be filed within the time re-
4 quired by law and such parties so brought in shall

5 be entitled to remove said causes as provided in
6 section three of chapter three hundred and eighty-
7 seven of the acts of nineteen hundred and thirty-
8 four and section one hundred and three of chapter
9 two hundred and thirty-one of the General Laws,
10 as appearing in the Tercentenary edition. If the
11 plaintiffs or defendants so ordered to appear fail to
12 file declarations or answers within the time required
13 then non-suits or defaults shall be entered and the
14 parties so defaulted and non-suited shall forever be
15 barred from bringing another suit for the same
16 cause of action.

1 SECTION 3. If any of the parties desiring to re-
2 move the action as provided in section three of
3 chapter three hundred and eighty-seven of the acts
4 of nineteen hundred and thirty-four and section one
5 hundred and three of chapter two hundred and
6 thirty-one of the General Laws, as appearing in the
7 Tercentenary edition, then all such actions shall be
8 removed for trial at the same time. If the party
9 so removing is a defendant he shall furnish a bond
10 for costs on all actions against the remaining de-
11 fendants and if the party so removing is the plain-
12 tiff, he shall furnish a bond to all the defendants
13 for costs that might be recovered against the other
14 plaintiffs.