

OFFICE OF THE SECRETARY, BOSTON, November 26, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and fifteen minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and sixty-six of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 667. AN ACT CLARIFYING THE DISPOSITION OF SUMMARY PROCESS AND SMALL CLAIMS ACTIONS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 20 of chapter 185A of the General Laws, as appearing in section 36 of chapter 1114 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Proceedings shall be commenced in the housing court as follows: — a criminal case by complaint in like manner as in the district court; a civil action in accordance with the Massachusetts Rules of Civil Procedure, provided however, that a summary process action and a small claims action shall be commenced and administered in accordance with rules promulgated by the housing court subject to the approval of the supreme judicial court.

SECTION 2. Said chapter 185A is hereby further amended by striking out section 24, as amended by section 16 of chapter 700 of the acts of 1974, and inserting in place thereof the following section: —

Section 24. All dispositions of any case, except an action for summary process or an action for small claims, before the housing court, whether interlocutory or final, shall be administered, entered, reported and appealed from as in the superior court.

SECTION 3. Chapter 239 of the General Laws is hereby amended by striking out section 5, as most recently amended by section 1 of chapter 347 of the acts of 1971, and inserting in place thereof the following section: —

Section 5. If the defendant appeals from a judgment of the superior court, a housing court or a district court, rendered for the plaintiff for the possession of the land or tenements demanded, he shall, except as provided in section six, before such appeal is allowed, give bond in such sum as the court orders, payable to the plaintiff, with sufficient surety or sureties approved by the plaintiff or court, or secured by cash or its

equivalent deposited with the clerk, in a reasonable amount to be fixed by the plaintiff or court. In an appeal from a judgment of a district court such bond shall be conditioned to enter the action in the superior court for that county at the return day next after the appeal is taken. In an appeal from a judgment of the superior court or a housing court such bond filed shall be conditioned to enter the action in the appeals court. An appeal from a judgment of the superior court or a housing court shall be taken by filing a notice of appeal within six days of entry of judgment. Appeals from judgments of the superior court or a housing court shall otherwise be governed by the Massachusetts Rules of Appellate Procedure. Any bond given shall also be conditioned that the defendant is to pay to the plaintiff, if final judgment is in his favor, all rent accrued at the date of the bond, all intervening rent, and all damage and loss which he may sustain by the withholding of possession of the land or tenements demanded and by any injury done thereto during such withholding, with all costs, until delivery of possession thereof to him. A certificate of such deposit of cash or its equivalent shall be issued to the depositor by the clerk. In appeals from a district court the deposit shall be transmitted by the clerk with the papers to the clerk of the superior court, who shall thereupon deliver a receipt therefor to such clerk, but in such appeals from a judgment of the superior court or a housing court the deposit shall not be transmitted to the appeals court unless specifically requested by said appeals court. The superior court or a housing court may give directions as to the manner of keeping such deposit. Upon final judgment for the plaintiff, all money then due to him may be recovered in an action on the bond.

The court shall waive the requirement of such bond or security if it is satisfied that the defendant has a defense which is not frivolous and that he has insufficient funds available to him to furnish the necessary bond or security. The court may require any person for whom such bond or security has been waived to pay in installments as the same becomes due, pending appeal, all or any portion of any rent which shall become due after the date of such waiver, for the continued occupancy of the premises.

Approved October 30, 1975.

Chap. 668. AN ACT PROVIDING FOR THE FINAL DESTRUCTION OF CERTAIN FILES OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO CRIME AND CORRUPTION.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law or any vote or action of the special commission established under chapter one hundred and forty-six of the resolves of nineteen hundred