

The Commonwealth of Massachusetts

SPECIAL REPORT OF THE SECRETARY OF THE
COMMONWEALTH AND THE ATTORNEY
GENERAL RELATIVE TO FACILITATING
REFERENCE TO SPECIAL LAWS CONCERN-
ING COUNTIES, CITIES AND TOWNS.

[Cities.]

OFFICE OF THE SECRETARY,
BOSTON, December 1, 1931.

To the Honorable Senate and House of Representatives.

We submit herewith our report of the investigation and our recommendations thereon as directed by chapter 10 of the Resolves of 1931, which resolve is as follows:

RESOLVE TO PROVIDE FOR AN INVESTIGATION RELATIVE TO THE AD-
VISABILITY OF PROVIDING MEANS FOR FACILITATING REFERENCE
TO SPECIAL LAWS RELATING TO PARTICULAR CITIES, TOWNS AND
OTHER POLITICAL SUBDIVISIONS OF THE COMMONWEALTH BY
TABLES OF CHANGES, INDICES OR OTHERWISE.

Resolved, That the state secretary and the attorney general, acting jointly, are hereby authorized and directed to investigate the advisability of providing means for facilitating reference to special laws relating to any particular city, town or other political subdivision of the commonwealth by tables of changes, indices or otherwise. They shall report to the general court the results of their investigation and their recommendations, if any, together with drafts of legislation necessary for carrying the same into effect, by filing the same with the clerk of the house of representatives on or before December first of the current year. [*Approved May 4, 1931.*]

It was apparent at the outset that the investigation to be comprehensive and complete involved communicating with and seeking the advice of officials of each city and town in the Commonwealth, and numerous other persons who have occasion to refer to special laws affecting cities and towns. It did not appear to be feasible to invite representatives of the cities and towns to come to Boston to discuss the matter with us because of the expense involved. Two sets of questions, which we believe cover the entire subject matter of the inquiry, were prepared and sent to all the city and town clerks of the Commonwealth.

The clerks of the Superior Court in each of the several counties, who by law act as clerks of county commissioners, were interviewed upon the subject matter of the resolve; and a conference was held at the State House in which Deputy Secretary of State Grundy and Assistant Attorney General Simoneau, representing the State Secretary and the Attorney General, respectively, counsel to the Senate, counsel to the House of Representatives, the State Librarian, librarians of various law libraries, and other interested persons took part.

Information furnished by city and town clerks who answered our questionnaires reveals that in fifteen cities and sixteen towns there are indices or some means of reference to special laws affecting them. Clerks of fourteen cities and one hundred and forty-two towns state they have no indices or other means of reference to such special laws.

In the cities and towns having indices or other means of reference, such indices have been prepared by the city or town clerks. Various methods were employed in their preparation. Doubt has been expressed by many clerks as to whether their indices are complete. In some cities reference to all special laws pertaining to them are printed in pamphlets in which the charter and ordinances are published. Other cities publish such special laws in full.

The various special laws affecting the counties of the Commonwealth have not been indexed, and it was the unanimous opinion of the clerks of court interviewed that

indices of special laws affecting their several counties would be desirable.

From information obtained by means of questionnaires and the interviews with the clerks of the Superior Court and at the conference above referred to, it clearly appears to us that there is need of indices or other means of reference to special laws affecting political subdivisions of the Commonwealth. They would be valuable to the counsel to the Senate, the counsel to the House of Representatives, the Attorney General and the State Secretary. We are informed that counsel to both branches of the Legislature and their assistants consume much time during sessions of the Legislature in searching for special legislation affecting political subdivisions of the Commonwealth, which search is required preparatory to drafting legislation for individual members of the General Court and for legislative committees; and also in ascertaining whether or not legislation on the same subject has theretofore been passed, or whether there have been changes in such legislation. They would also be of value to the Attorney General in connection with the approval of town by-laws as required by G. L., c. 40, § 32. Very frequently it is necessary to examine special laws affecting a particular town to determine the validity of certain by-laws.

Many requests are received by the State Secretary, the State Librarian and law librarians for information relating to and citations of special laws affecting the political subdivisions of the Commonwealth.

We believe that the Legislature should provide for an easily accessible reference to such special laws, and we recommend the passage of an act directing counsel to both branches to index all special laws affecting all the political subdivisions of the Commonwealth from 1780 to date.

Several methods may be suggested as to the form of such indices:

1. All special laws enacted from 1780 to 1911, including those relating to political subdivisions of the Commonwealth, have been collated and published pursuant to resolves passed by the Legislature at various times.

Indices to the several volumes of such special laws appear to be complete, and not only are they arranged under the names of particular cities and towns, but also by topics. So much of these indices and those contained in the Acts and Resolves for each year subsequent to 1911, relating to or affecting political subdivisions, may be consolidated. Topical indices appear to be desirable, but we feel that if they are to be of practical value they must be published. Because of the large expense which must be incurred in their preparation and publication, it would seem to us that this method is inadvisable at this time.

2. Indices may be made on index cards of uniform size, each card to contain the name of the city, town or other political subdivision, the title or a short description of an act, and, if the effectiveness of the act depends upon its acceptance, the date of acceptance, and such other information as may be deemed advisable by said counsel. We recommend that this method be adopted and that at the close of each annual session of the Legislature the work be brought up to date.

We further recommend that the original index and all subsequent additions thereto when completed be delivered to the care and custody of the State Secretary, and copies thereof be furnished by him without charge to the Attorney General and the State Library; and that provision be made that the State Secretary furnish to any person, upon the payment of such sum as he may fix, copies of such index or any portion thereof.

We append hereto a draft of a bill to carry such recommendations into effect.

FREDERIC W. COOK,

Secretary of State.

JOSEPH E. WARNER,

Attorney General.

The Commonwealth of Massachusetts

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

An Act providing for the Indexing in Card Form of the Special Laws passed from the Year Seventeen Hundred and Eighty and relating to the Several Cities, Towns and Other Political Subdivisions of the Commonwealth and for the Distribution of Copies of Such Index or Portions Thereof.

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

1 The counsel to the senate and the counsel to the
2 house of representatives are hereby authorized and
3 directed to index all special laws passed from the year
4 seventeen hundred and eighty and relating to the
5 several cities, towns and other political subdivisions of
6 the commonwealth and to bring said index up to date
7 as soon as may be after the close of each annual session
8 of the general court. Such index shall be made on
9 cards of uniform size, each card to contain the name
10 of the city, town or other political subdivision, the
11 title or a short description of an act or portion thereof
12 relating thereto, and if the effectiveness of the act
13 depends upon its acceptance, the date of acceptance,
14 and such other information as said counsel may deem
15 advisable. Said index, and all subsequent additions
16 thereto, when completed, shall be forthwith delivered
17 to the state secretary, who shall have the care and

18 custody thereof. He shall, as soon as possible after
19 receiving said index, or any additions thereto, prepare
20 and deliver without charge copies thereof as follows:
21 one each to the attorney general and the state library.
22 He shall, upon request and upon the payment of such
23 sum therefor as he shall fix, furnish to any person
24 copies of such index or of any portion thereof. Such
25 copies shall be in such form as he may from time to
26 time direct.



