

The Commonwealth of Massachusetts

REPORT OF THE SPECIAL COMMISSION RELATIVE TO A NEW EDITION OF THE GENERAL LAWS.

[Rules, Concurrently.]

BOSTON, December 4, 1946.

To the General Court of the Commonwealth:

This Commission was created by chapter 69 of the Resolves of 1946, approved June 13, 1946, which reads as follows:

Resolved, That an unpaid special commission, to consist of two members of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, the counsel to the senate and the counsel to the house of representatives, is hereby established for the purpose of making an investigation of the subject matter of current house document numbered eight hundred and twenty-seven, relative to the preparation of a new edition of the General Laws, and the subject matter of current house document numbered fourteen hundred and eighteen, relative to the preparation of an index of special acts affecting counties, cities, towns and districts, the metropolitan districts, railroads and street railways. Said commission may expend for necessary expenses such sum, not exceeding twenty-five hundred dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

In accordance with the terms of the Resolve, the President of the Senate appointed Honorable John D. Mackay of Quincy and Honorable Richard S. Bowers of Brookline; and the Speaker of the House appointed Representatives Earle S. Tyler of Watertown, Henry W.

Pickford of Clinton, and Charles J. Artesani of Brighton. These five appointees, with Fernald Hutchins, Counsel to the Senate, and Henry D. Wiggin, Counsel to the House, constitute the membership of the Commission.

The appointments by the President of the Senate and the Speaker of the House were made early in September of this year, and the Commission met for its organization meeting on September 26, 1946. Senator Mackay was elected chairman, and Representative Tyler, vice-chairman. Lowell S. Nicholson, Esquire, of Boston, was chosen as the secretary of the Commission.

During the short time the Commission has been in existence we have carried on an extensive investigation of the needs and desires of the judges and lawyers of Massachusetts and of the various possibilities which should be considered by the Legislature. Printed and mimeographed inquiries were sent to about twelve hundred judges and public officials and active lawyers of Massachusetts; and comments and recommendations have already been received from over six hundred of these persons. While there is a marked sentiment favoring certain plans, the subject of a new edition of the General Laws is of such importance and may involve such a considerable expense that the Commission believes further time should be allowed for more intensive examination of the many points involved. Before making definite recommendations the Commission desires to interrogate further many of our judges and public officials and lawyers in an attempt to reconcile some of the views which have been expressed, and also to study in more detail the workings of certain plans for statutory revision which are now in force in other States.

The situation before the Legislature today with respect to a new edition of the General Laws is different in two respects from the situations which faced earlier Legislatures when former revisions of our statutory laws were under consideration. The first difference is that today we have available the unofficial *Annotated Laws of Massachusetts* which have been found to meet the needs of a large number of our practitioners. The second difference is

that since 1920 the enactments of the Legislature which have related to general matters have been adopted as amendments of the General Laws and have immediately been inserted in the General Laws in the places where they belong. Prior to 1920 it was difficult, in tracing sections contained in earlier compilations, to be sure that all amendments were located. But the present system of "continuous consolidation," with the cumulative list of amendments in the latest Blue Book, makes it much easier to ascertain the present provisions of any section which appeared in the General Laws of 1921 or the Tercentenary Edition of 1932. These two differences, *i.e.*, the existence of the *Annotated Laws of Massachusetts* and the system of continuous consolidation which we have been following, make the present situation entirely different than anything which ever before existed.

This different situation which faces the Legislature today, and especially the fact that recommendations are still continuing to come in to the Commission, have persuaded the members of the Commission that further study must be made before final recommendations can be reported to the Legislature.

A similar situation exists with respect to the question of the preparation of an index of certain special acts, which subject is covered by House Document No. 1418, and which was also referred to this Commission. Conferences have been held on this matter, but the need of such an index, how it should be prepared, and what it should contain are matters upon which more time should be spent.

The members of the Commission therefore respectfully recommend that this Commission be continued for further study of the two matters referred to it. There is annexed to this report a Resolve providing for this continuance.

JOHN D. MACKAY.

FERNALD HUTCHINS.

HENRY D. WIGGIN.

HENRY W. PICKFORD.

PROPOSED LEGISLATION

APPENDIX.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

RESOLVE PROVIDING FOR THE REVIVAL AND CONTINUANCE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION RELATIVE TO THE PREPARATION OF A NEW EDITION OF THE GENERAL LAWS, AND RELATIVE TO THE PREPARATION OF AN INDEX OF CERTAIN SPECIAL LAWS.

1 *Resolved*, That the special commission to make an
2 investigation relative to the preparation of a new edi-
3 tion of the General Laws and relative to the prepara-
4 tion of an index of certain special laws, created by
5 chapter sixty-nine of the resolves of nineteen hun-
6 dred and forty-six, is hereby revived and continued
7 for the purpose of making an investigation of the
8 subject matter of nineteen hundred and forty-six
9 house document numbered eight hundred and twenty-
10 seven, relative to the preparation of a new edition of
11 the General Laws, and the subject matter of nineteen
12 hundred and forty-six house document numbered four-
13 teen hundred and eighteen, relative to the prepara-
14 tion of an index of special acts affecting counties,
15 cities, towns and districts, the metropolitan districts,

16 railroads and street railways, and said commission
17 shall continue its investigation and study of the mat-
18 ters referred to it. Said commission may expend for its
19 future expenses and clerical and other assistance such
20 sums, not exceeding, in the aggregate,
21 dollars, as may hereafter be appropriated therefor,
22 together with the unexpended balance of the original
23 appropriation which was made for said purposes. Said
24 commission shall make a supplemental report to the
25 general court of the results of its investigation, and
26 its recommendations, if any, together with drafts of
27 legislation necessary to carry such recommendations
28 into effect, by filing the same with the clerk of the
29 house of representatives on or before the first Wednes-
30 day of December in the current year.

