

# HOUSE . . . . No. 2075

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## **The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, April 30, 1947.

The committee on Ways and Means to whom was referred the Bill relative to the closing of courts and registries of deeds on Saturdays (House, No. 1904), report that the same ought to pass, in the form of a new draft herewith submitted (House, No. 2075).

For the committee,

ROY C. SMITH.

## The Commonwealth of Massachusetts

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

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### AN ACT RELATIVE TO THE CLOSING OF CERTAIN COURTS AND OF CERTAIN COUNTY OFFICES ON SATURDAYS.

1 *Whereas*, The deferred operation of this act would  
2 in part defeat its purpose, which is to make it possible  
3 for certain courts and certain county offices to be  
4 closed on Saturdays, commencing with the month  
5 of June in the current year, therefore this act is  
6 hereby declared to be an emergency law, necessary  
7 for the immediate preservation of the public con-  
8 venience.

*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. Chapter 34 of the General Laws is  
2 hereby amended by striking out section 16, as appear-  
3 ing in the Tercentenary Edition, and inserting in  
4 place thereof the following:—

5 *Section 16.* Except as otherwise provided by law,  
6 all offices under the jurisdiction of the commissioners  
7 shall be open to the public for the transaction of  
8 business daily on days other than Saturdays, Sun-  
9 days and legal holidays for such hours as may be set  
10 by the commissioners, except that, if the convenience  
11 of the public so requires, the commissioners may  
12 keep any office under their jurisdiction open on any

13 Saturday, not a legal holiday, and give any employee  
14 required to work on Saturday equivalent time off  
15 without loss of compensation. When the day or the  
16 last day for the performance of any act, including the  
17 making of any payment or tender of payment, au-  
18 thorized or required to be performed at such an office  
19 falls on a Saturday, Sunday or legal holiday, the act  
20 may be performed on the next succeeding business  
21 day.

1 SECTION 2. Chapter 36 of the General Laws is  
2 hereby amended by striking out section 11, as so  
3 appearing, and inserting in place thereof the  
4 following: —

5 *Section 11.* Every register shall keep in his registry  
6 all books, records, deeds and papers belonging thereto,  
7 and shall keep the office open a fixed number of hours  
8 daily on days other than Saturdays, Sundays and  
9 holidays, for receiving and recording papers, except  
10 that, if the convenience of the public so requires, a  
11 register may keep his registry open on any Saturday,  
12 not a legal holiday, for said purposes during such hours  
13 as he may determine. Office hours heretofore fixed in  
14 the respective counties shall continue until changed by  
15 order of the county commissioners. Notice thereof  
16 shall be given by posting the same in conspicuous  
17 places upon or near the entrance door and upon the  
18 walls or counters in each registry. The provisions  
19 of section nine of chapter four shall apply in the case  
20 of the closing of a registry on any Saturday to the  
21 same extent as if such Saturday were a legal holiday.

1 SECTION 3. Section 1 of chapter 185 of the General  
2 Laws, as amended, is hereby further amended by

3 striking out the paragraph contained in lines 51 to  
4 55, inclusive, as appearing in the Tercentenary  
5 Edition, and inserting in place thereof the follow-  
6 ing:— The court shall have jurisdiction throughout  
7 the commonwealth, shall always be open, except on  
8 Saturdays, Sundays and legal holidays, and shall have  
9 a seal with which all orders, processes and papers  
10 made by or proceeding from the court and requiring  
11 a seal shall be sealed; provided, that, if the con-  
12 venience of the public so requires, the court shall be  
13 open on such Saturdays, and during such hours  
14 thereof, as the judges thereof may determine. Its  
15 notices, orders and processes may run into any county  
16 and be returnable as it directs.

1 SECTION 4. Chapter 215 of the General Laws is  
2 hereby amended by striking out section 58, as so  
3 appearing, and inserting in place thereof the  
4 following:—

5 *Section 58.* The probate court shall be open daily  
6 on days other than Saturdays, Sundays and legal  
7 holidays, for hearings, matters in equity, proceedings  
8 in contempt and for making orders and decrees in  
9 matters before them, except that, if the convenience  
10 of the public so requires, a court shall be open on any  
11 Saturday, not a legal holiday, for said purposes during  
12 such hours as the judge or judges thereof may de-  
13 termine. Notwithstanding the foregoing provisions,  
14 the times of hearings shall be discretionary with the  
15 judges of said courts.

1 SECTION 5. Chapter 213 of the General Laws is  
2 hereby amended by striking out section 4, as so ap-  
3 pearing, and inserting in place thereof the following:—



4    *Section 4.* The courts shall always be open in every  
5 county and the business thereof, or of the justices  
6 thereof, may be transacted at any time; but such  
7 business shall not, except as provided in section six of  
8 chapter two hundred and twenty, be transacted on  
9 Saturday or Sunday or on a legal holiday unless it  
10 relates to an application which, in the opinion of the  
11 justice to whom it is made, is of pressing necessity;  
12 provided, that, if the convenience of the public so  
13 requires, either court shall be open for the transaction  
14 of business on such Saturdays, and during such hours  
15 thereof, as the chief justice thereof may determine.

1    SECTION 6. Chapter 220 of the General Laws is  
2 hereby amended by striking out section 6, as so ap-  
3 pearing, and inserting in place thereof the following: —

4    *Section 6.* Courts shall not be open on Sunday or  
5 a legal holiday, and courts, other than district courts,  
6 shall not be open on Saturday, except as otherwise  
7 provided by law or except for the purpose of entering  
8 or continuing cases, instructing or discharging a jury,  
9 receiving a verdict or adjourning; but this section  
10 shall not prevent the exercise of the jurisdiction of  
11 any magistrate in criminal cases to preserve the peace  
12 or arrest offenders. The provisions of section nine of  
13 chapter four shall apply in the case of the closing of a  
14 court on any Saturday to the same extent as if such  
15 Saturday were a legal holiday.

1    SECTION 7. This act shall take effect on June  
2 first in the current year.





