

To accompany the petition of Charles W. Hedges, Edward C. Stone and James J. Twohig, Jr., for legislation to establish the salaries of the clerks of courts of various counties and their assistants, the Clerk of the Supreme Judicial Court for Suffolk County and his assistants, the Clerk of the Superior Court for Criminal Business in Suffolk County and his assistants, and the Clerk of the Superior Court for Civil Business in Suffolk County and his assistants. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING THE SALARIES OF THE CLERKS OF THE COURTS OF THE VARIOUS COUNTIES AND THEIR ASSISTANTS, THE CLERK OF THE SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY AND HIS ASSISTANTS, THE CLERK OF THE SUPERIOR COURT FOR CRIMINAL BUSINESS IN SUFFOLK COUNTY AND HIS ASSISTANTS, AND THE CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN SUFFOLK COUNTY AND HIS ASSISTANTS.

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. Section 49 of chapter 35 of the General
2 Laws, as amended by section 1 of chapter 512 of the
3 acts of 1946, and most recently amended by chapter
4 290 of the acts of 1947, is hereby further amended
5 by inserting after the word "Suffolk" in the eighth
6 line thereof the words:— clerks and assistant clerks
7 of the courts, so as to read as follows:— *Section 49.*

8 Every office and position whereof the salary is wholly
9 payable from the treasury of one or more counties,
10 or from funds administered by and through county
11 officials, excluding the offices of county commissioners,
12 the clerk and the assistant clerks of the superior
13 court for civil business in the county of Suffolk, the
14 clerk and assistant clerks of the superior court for
15 criminal business in the county of Suffolk, clerks and
16 assistant clerks of the courts, the assistant clerk and
17 second assistant clerk of the supreme judicial court
18 for the county of Suffolk, justices and special justices
19 of the district courts, the messenger of the superior
20 court in the county of Suffolk, clerks and assistant
21 clerks of the district courts, other than the clerks
22 and assistant clerks of district courts in the county of
23 Suffolk except the municipal court of the city of
24 Boston, and other than the clerks and assistant
25 clerks of the central district court of Worcester, and
26 excluding trial justices, other offices and positions
27 filled by appointment of the governor with the advice
28 and consent of the council, court officers appointed
29 in Suffolk county under section seventy of chapter
30 two hundred and twenty-one, court officers in at-
31 tendance upon the municipal court of the city of
32 Boston, and probation officers, but including the
33 officer described in the first sentence of section seventy-
34 six of said chapter two hundred and twenty-one,
35 shall be classified by the board in the manner pro-
36 vided by sections forty-eight to fifty-six, inclusive,
37 and every such office and position, now existing or
38 hereafter established, shall be allocated by the board
39 to its proper place in such classification. Offices and
40 positions in the service of any department, board,
41 school or hospital principally supported by the

42 funds of the county or counties, or in the service of a
43 hospital district established under sections seventy-
44 eight to ninety-one, inclusive, of chapter one hundred
45 and eleven, shall likewise be subject to classification
46 as aforesaid.

47 The word "salary", as used in this section, shall
48 include compensation, however payable; but nothing
49 in sections forty-eight to fifty-six, inclusive, and
50 nothing done under authority thereof, shall prevent
51 any person from continuing to receive from a county
52 such compensation as is fixed under authority of
53 other provisions of law or as is expressly established
54 by law.

1 SECTION 2. Chapter two hundred and twenty-
2 one of the General Laws is hereby amended by strik-
3 ing out section ninety-four, as amended, and inserting
4 in place thereof the following section: —

5 *Section 94.* Except as provided in section ninety-
6 three, and except as otherwise provided, the salaries
7 of the clerks of the courts of the various counties and
8 their assistants, the clerk of the supreme judicial
9 court of Suffolk county and his assistants, the clerk
10 of the superior court for criminal business in Suffolk
11 county and his assistants, and the clerk of the superior
12 court for civil business in Suffolk county and his
13 assistants, shall be paid by their respective counties,
14 and shall be as follows: —

15 SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY.

16 *Clerk.* — A sum equivalent to sixty per cent of
17 the salary of an associate justice of the supreme
18 judicial court, of which the sum of fifteen hundred
19 dollars shall be paid by the commonwealth.

20 *Assistant Clerk.* — A sum equivalent to seventy-
21 five per cent of the salary of the clerk.

22 *Second Assistant Clerk.* — A sum equivalent to
23 sixty per cent of the salary of the clerk.

24 SUPERIOR COURT FOR CRIMINAL BUSINESS IN THE
25 COUNTY OF SUFFOLK.

26 *Clerk.* — A sum equivalent to seventy-five per
27 cent of the salary of an associate justice of the superior
28 court.

29 *First Assistant Clerk (so designated by the Clerk).* —
30 A sum equivalent to seventy-five per cent of the
31 salary of the clerk.

32 *All Other Assistant Clerks.* — A sum equivalent
33 to sixty per cent of the salary of the clerk.

34 SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY
35 OF SUFFOLK.

36 *Clerk.* — A sum equivalent to seventy-five per
37 cent of the salary of an associate justice of the superior
38 court.

39 *First Assistant Clerk (so designated by the Clerk).* —
40 A sum equivalent to seventy-five per cent of the
41 salary of the clerk.

42 Assistant clerk appointed to perform the duties of
43 clerk pertaining to equity proceedings in said court
44 and designated to act as clerk of said court when
45 sitting in Boston for the hearing of causes from any
46 other county — a sum equivalent to eighty per cent
47 of the salary of the clerk, of which the sum of fifteen
48 hundred dollars shall be paid by the commonwealth.

49 *All Other Assistant Clerks.* — A sum equivalent
50 to sixty per cent of the salary of the clerk.

51 In all other counties, the clerks of the courts shall
 52 receive a sum equivalent to the following percentages
 53 of the salary of an associate justice of the superior
 54 court.

Middlesex	75	Berkshire	45
Essex	70	Hampshire	40
Worcester	70	Barnstable	40
Hampden	65	Franklin	40
Bristol	65	Dukes	20
Norfolk	60	Nantucket	20
Plymouth	55		

55 In all counties other than Suffolk, the assistant
 56 clerk shall receive a sum equivalent to seventy-five
 57 per cent of the salary of the clerk, the second assistant
 58 clerk shall receive a sum equivalent to sixty per cent
 59 of the salary of the clerk, and all other assistant
 60 clerks shall receive a sum equivalent to fifty-five
 61 per cent of the salary of the clerk.

1 SECTION 3. Section 6A of chapter 221 of the
 2 General Laws is hereby amended by striking out the
 3 words "such sum as shall be fixed by the county
 4 personnel board" at the end thereof and inserting
 5 in place thereof the following:— a sum equivalent
 6 to five per cent of the salary of the clerk, — so as to
 7 read as follows:— *Section 6A.* The justices of the
 8 superior court may appoint, for a term of three years
 9 from the date of such appointment, one of the as-
 10 sistant clerks for the county of Middlesex, appointed
 11 under section four or section five, as the equity clerk
 12 of the superior court for said county, who shall per-
 13 form the duties of clerk pertaining to the equity
 14 proceedings in said court, and shall receive from
 15 said county, in addition to the salary paid to him as
 16 an assistant clerk under section four or section five,

17 as the case may be, a sum equivalent to five per cent
18 of the salary of the clerk.

1 SECTION 4. Section ninety-four A of chapter two
2 hundred and twenty-one of the General Laws is
3 hereby repealed.

1 SECTION 5. The salaries as herein established
2 shall be effective as of January first of the current
3 year.

1 SECTION 6. Section fifty-five of chapter thirty-
2 five of the General Laws is hereby amended by in-
3 serting after the word "inclusive" in the second
4 line thereof the following:— and the salaries estab-
5 lished by section ninety-four of chapter two hundred
6 and twenty-one, — so as to read as follows:— *Sec-*
7 *tion 55.* Except as otherwise expressly provided,
8 all salaries established under the authority of sections
9 forty-eight to fifty-six, inclusive, and the salaries
10 established by section ninety-four of chapter two
11 hundred and twenty-one, shall be in full compensation
12 for all services rendered, and every officer or employee
13 shall pay all fees and other moneys received directly
14 or indirectly in the course of his public employment,
15 into the county treasury; provided, that nothing
16 contained in said sections shall prevent the reimburse-
17 ment of actual and other expenses necessary for the
18 transaction of public business or the payment of
10 overtime approved by the county commissioner,
20 upon evidence of necessity therefor.

