

HOUSE No. 323

By Mr. O'Rourke of Northampton, petition of John J. O'Rourke for legislation relative to the practice of law by special judges of probate. Legal Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE PRACTICE OF LAW BY SPECIAL JUDGES OF PROBATE.

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 6 of chapter 217 of the General
2 Laws, inserted by section 3 of chapter 408 of the acts
3 of 1937, is hereby amended by adding at the end the
4 following sentence:— This section shall not apply to
5 any special judge of probate.

1 SECTION 2. Section 6A of said chapter 217, as so
2 inserted, is hereby amended by striking out, in line 1,
3 the words "special judge of probate", — so as to read
4 as follows:— *Section 6A.* No register, assistant regis-
5 ter or person employed in any registry of probate and
6 insolvency shall be interested in, or benefited by, the
7 fees or emoluments which may arise in any matter
8 pending before the probate court or court of insolvency
9 of his county; nor shall he act as counsel or attorney,
10 either in or out of court, in any matter pending before

11 said courts or in an appeal therefrom; nor shall he,
12 except as otherwise provided, be appointed or act as
13 executor, administrator, guardian, conservator, com-
14 missioner, appraiser or assignee of or upon an estate
15 within the jurisdiction of his court; nor shall he be
16 interested in the fees or emoluments arising from any
17 of said trusts; provided, that nothing in this section
18 shall prohibit the practice of law before said courts
19 by a special judge of probate. Section seven of chapter
20 one hundred and ninety-two and section seven of this
21 chapter shall apply to a special judge of probate.