

SENATE No. 433

[Senate, No. 433, — Substituted by amendment (on motion of Senator Parkman) for the House Report of the committee on Cities, "leave to withdraw," on the petition of Richard M. Russell, mayor of the city of Cambridge, accompanied by bill, House, No. 933.]

The Commonwealth of Massachusetts

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

An Act relative to the Appointment of Certain
Temporary City Officers in Certain Cases.

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

1 Chapter forty-one of the General Laws is
2 hereby amended by striking out section sixty-
3 one A, inserted by chapter one hundred and
4 seventy-two of the acts of nineteen hundred and
5 thirty, and inserting in place thereof the fol-
6 lowing: —

7 *Section 61A.* In case of the incapacity, death
8 or resignation of a city auditor, city treasurer,
9 city collector of taxes or any other officer having
10 charge of a city department, or of a town treas-
11 urer, town collector of taxes, town accountant,
12 town clerk or of the auditor in a town having
13 only one, the mayor, without confirmation by
14 the city council, or the selectmen, as the case
15 may be, shall, or in case an incumbent of the

16 office of city auditor, city treasurer, city col-
17 lector or collector of taxes in a city is holding
18 over after the expiration of his term of office, the
19 mayor, without such confirmation, may, appoint
20 a temporary officer to serve until a successor to
21 such incapacitated, deceased or resigned officer
22 or officer holding over as aforesaid is duly ap-
23 pointed or elected in accordance with law or, in
24 case such an incapacitated officer sooner recovers
25 from such incapacity, until his return to duty,
26 but no such temporary officer shall in any event
27 be appointed hereunder to serve for a period
28 longer than sixty days. Any temporary officer
29 so appointed shall during the time he fills the
30 position to which he is appointed under this
31 section exercise all the powers and perform all
32 the duties of the officer in whose place he serves.
33 The provisions of this section shall apply not-
34 withstanding any provision of a city charter
35 to the contrary.



