

HOUSE No. 1919

By Mr. Dorman of New Bedford, petition of Joseph Ferreria and Allison R. Dorman for the establishment and organization of a system of city courts in place of district and municipal courts. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE ESTABLISHMENT AND ORGANIZATION OF A SYSTEM OF CITY COURTS IN PLACE OF DISTRICT AND MUNICIPAL COURTS.

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. All district and municipal courts of
2 the commonwealth are hereby abolished and there shall
3 be substituted therefor in the respective districts a
4 court hereafter called city court of the respective dis-
5 trict. All city courts, the judicial district of which has,
6 according to the national or state census last pre-
7 ceding, a population of one hundred thousand or
8 more, shall consist of two permanent justices, that
9 is, one chief justice with general supervision of said
10 court and one associate justice; said justice, on tak-
11 ing oath of office shall withdraw entirely from the
12 private practice of law and shall not be connected
13 with any law office either directly or indirectly. Each
14 of the other city courts shall consist of one permanent

15 justice and one special justice. The city court of the
16 city of Boston shall consist of fifteen permanent jus-
17 tices, that is, fourteen associates and one chief justice.

1 SECTION 2. The special justices referred to in the
2 above section shall sit in the absence of the permanent
3 justice and order the cases on the civil list continued
4 until the permanent justice of court or any other
5 permanent justice hears the merits of the same. The
6 special justice may dispose of the criminal business, in
7 the absence of the permanent justice.

1 SECTION 3. All city courts shall be open every day
2 except Sundays and holidays to hear both criminal
3 and civil business, the hours to be from nine o'clock
4 antemeridian to four o'clock postmeridian, time out
5 for lunch to be fixed by rule of the respective court.

1 SECTION 4. The permanent justices of the city
2 courts throughout the commonwealth shall receive not
3 more than ten thousand dollars each per year for
4 their service. The salaries of the said justices will be
5 fixed by the governor with the consent of the council
6 and may from time to time be increased but not to
7 exceed ten thousand dollars. They shall be entitled
8 to a vacation of thirty days each year.

1 SECTION 5. All permanent justices of the city
2 courts shall sit without additional compensation as
3 masters and auditors in all cases whenever appointed
4 masters by the supreme judicial court, superior court,
5 probate court, and land court; and said judges shall
6 be subject without additional compensation, except
7 traveling and staying expenses, to the provisions of

8 chapter four hundred and sixty-one of the acts of
9 nineteen hundred and twenty-three as amended.
10 Said judges shall also be subject without additional
11 compensation, except traveling and staying expenses,
12 to the provisions of chapter five hundred and thirty-
13 two of the acts of nineteen hundred and twenty-two,
14 as amended. The chief justice of the superior court
15 may on request of the clerk of any city court assign a
16 justice of another city court to come there for an as-
17 signed period to expedite the civil business, and said
18 justice shall serve without additional compensation
19 except traveling and staying expenses.

1 SECTION 6. Section 2 of chapter 262 of the Ter-
2 centenary Edition is hereby amended so as to read as
3 follows:—

4 The fees of the city courts shall be as follows:

5 In civil actions, —

6 For a blank writ of original summons or attach-
7 ment and summons, five cents.

8 For the entry of an action, or for the filing of a
9 petition including filing of papers, entering up and
10 recording judgments, five dollars.

11 For the filing of an appearance by the defendant,
12 including the filing of papers, two dollars.

13 For each order of notice and rule of reference, fifty
14 cents.

15 If the party or parties filing an action, petition or
16 appearance desire a stenographer at the trial, such
17 party or parties must so designate on the writ, peti-
18 tion or appearance and pay a fee of five dollars. The
19 right to have the stenographer at the trial may be
20 waived before the commencement of the trial by the
21 party or parties requesting the same.

1 SECTION 7. The justices of each city court shall
2 appoint a stenographer for civil business. They may
3 also, if the business of the court requires it, appoint
4 an additional stenographer who shall serve when
5 designated. Each stenographer shall be an officer of
6 the court, and shall be sworn, and the same person
7 may be appointed stenographer for more than one
8 court or county. The justices may remove said
9 stenographer, and may fill the vacancy caused by
10 such removal or otherwise.

1 SECTION 8. The stenographers shall attend the
2 session of the court for which they are appointed when
3 ordered by the court. Said stenographers shall be
4 under the supervision of the court for which they are
5 appointed.

1 SECTION 9. The county commissioners shall fix
2 the compensation of each stenographer but at no more
3 than fifteen dollars for each day's actual attendance.

1 SECTION 10. Each stenographer appointed by the
2 justices of the city courts shall attend therein when re-
3 quested by the presiding justice to take stenographic
4 notes of the evidence of the case in which a stenog-
5 rapher has been requested and is then on trial and
6 shall render such other clerical assistance as the jus-
7 tice of said court deems necessary. Said stenographer
8 shall receive for transcripts furnished to parties thirty
9 cents for each page of three hundred words.

1 SECTION 11. In any trial of a civil action before
2 said city courts, if any of the parties desire a finding
3 of the facts, said party or parties shall file in writing a

4 request before arguments that the trial justice recite
5 all the facts, findings and reason for the same; said
6 findings and reason shall be open for consideration by
7 the appellant division and also by the supreme judi-
8 cial court, to affirm or revise the same.

1 SECTION 12. Said city courts shall operate under
2 and within the jurisdiction now given the district
3 courts and municipal courts.

