

# HOUSE . . . . No. 1943

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## The Commonwealth of Massachusetts

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EXECUTIVE DEPARTMENT, BOSTON, JUNE 19, 1936.

*To the Honorable Senate and House of Representatives:*

There is a clearly definite policy on the part of the Commonwealth to recognize that those who serve faithfully and efficiently over a fixed period of years and reach the age of seventy should receive such retirement allowances as would provide some income in the declining years of life.

Industry has recognized the value of this program, and all forward-looking employers, who recognize their obligation to society as a whole, make provision for the retirement of their employees to the same end.

The broad question of retirement at the age of seventy from active part in the affairs of both industry and government is recognized as a problem that concerns the whole world. Legislation by Congress and the governments of many nations has made provisions for the carrying out of this policy. The distinction between public and private employees in a question of this kind is so slight that approval or disapproval of this policy as it relates to either one or the other of the classes of employees or officers retards the effectiveness of the whole program. The relation is so close that it is difficult to distinguish.

I firmly believe that the question of determining a definite age at which such provision should become effective is difficult, because there are men and women who are so blessed mentally and physically that they retain their faculties and physical powers to a very ripe age. In dealing with questions of this kind, a general rule must be established. It is universally recognized that seventy

years is the age which includes the general majority and excepts a small minority. This is recognized by every scientific approach and permits of but little contradiction. I cannot admit this should not apply in the matter of judges of our courts as well as to men in other walks of life. The present law makes no provision for proper retirement of judges of our courts. It is but natural that those men who at an advanced age cannot face the uncertainties of the future with the assurance of the things that are necessary to life should attempt with their remaining powers to perform the exacting duties of justices of our courts, and deal with complex and intricate problems, which, because of economic difficulties continue to increase their burdens. To the end that this Commonwealth shall place itself in line with other progressive states of the Union to recognize the worth of the retirement system, I recommend the following legislation:

JAMES M. CURLEY.

## The Commonwealth of Massachusetts

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

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An Act relative to Pensions and Retirement Allowances  
for Judges.

*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. The chief justice or any associate jus-  
2 tice of the supreme judicial court, the chief justice or  
3 any associate justice of the superior court, any judge  
4 of the land court, and any judge of probate and in-  
5 solvency, who has served as such judge in any of the  
6 aforesaid courts for at least ten consecutive years  
7 may, upon attaining the age of seventy years, or at  
8 any time thereafter, resign his office, or who shall be  
9 retired under article LVIII of the amendments to the  
10 constitution, and shall thereupon be entitled to receive  
11 a pension at an annual rate equal to three fourths of  
12 the annual rate of salary payable to him at the time  
13 of said resignation or retirement, to be paid by the  
14 commonwealth in the same manner as the salaries of  
15 the chief justices or judges of the said courts.

1 SECTION 2. The chief justice and any associate  
2 justice of the municipal court of the city of Boston,  
3 and any justice of a district court, who has served as  
4 a justice of such court for at least fifteen consecutive  
5 years, or as chief justice and justice for at least fifteen

6 consecutive years, may, upon attaining the age of  
7 seventy, or at any time thereafter, resign his office,  
8 or, if he is retired under article LVIII of the amend-  
9 ments to the constitution, shall thereupon be entitled  
10 to receive a pension at an annual rate equal to three  
11 fourths of the annual rate of salary payable to him  
12 at the time of his resignation or retirement, to be  
13 paid by the commonwealth in the same manner as  
14 the salaries of the chief justice or judges of the afore-  
15 said courts. Nothing in this section contained shall  
16 apply to the case of the retirement as aforesaid of the  
17 chief justice or any justice of the municipal court of  
18 the city of Boston who shall have been a member of  
19 the Boston retirement system established under  
20 chapter five hundred and twenty-one of the acts of  
21 nineteen hundred and twenty-two.

1 SECTION 3. All acts and parts of acts inconsistent  
2 herewith are hereby repealed.