

By Mr. Ramsdell of Winchester, petition of Addison R. Pike relative to bonds of certain town officers and to appointment of temporary treasurers and certain other temporary officers in towns. Towns.

The Commonwealth of Massachusetts

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

An Act amending the Provisions of the Statutes relating to Bonds of Certain Town Officers and to the Appointment of Temporary Treasurers and Certain Other Temporary Officers in Towns.

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. Chapter forty-one of the General Laws
2 is hereby amended by striking out section thirteen
3 and inserting in place thereof the following:—
4 *Section 13.* Every town clerk shall, within ten
5 days after his election and thereafter at intervals of
6 not more than one year so long as he continues to
7 hold said office, give bond to the town for the faith-
8 ful performance of his duties, in such sum as the
9 selectmen shall approve. If he does not give bond
10 as herein required the selectmen may declare the
11 office vacant and fill the vacancy in the manner
12 prescribed by section fourteen.

1 SECTION 2. Said chapter forty-one of the General
2 Laws is hereby further amended by striking out sec-
3 tion thirty-five and inserting in place thereof the
4 following:—

5 *Section 35.* Every town treasurer shall give bond
6 annually for the faithful performance of his duties in
7 a form approved by the commissioner of corpora-
8 tions and taxation and in such sum, not less than
9 the amount established by the said commissioner,
10 as shall be fixed by the selectmen or the mayor and
11 aldermen, and if he fails so to do within ten days
12 after his election, the selectmen or the mayor and
13 aldermen, may declare the office vacant and fill the
14 vacancy in the manner prescribed by section forty.
15 He shall receive and take charge of all money be-
16 longing to the town, and pay over and account for
17 the same according to the order of the town or of its
18 authorized officers. No other person shall pay any
19 bill of any department. He shall have the authority
20 given to an auditor by section fifty-one, and shall
21 annually render a true account of all his receipts and
22 disbursements and a report of his official acts.

1 SECTION 3. Said chapter forty-one is hereby
2 further amended by striking out section forty and
3 inserting in place thereof the following:—

4 *Section 40.* If the office of town treasurer, town
5 collector of taxes, town accountant or auditor in a
6 town having but one is vacant or if any such officer
7 is unable to perform his duties, the selectmen may in
8 writing signed by them or by a majority of them,
9 which shall be filed in the office of the town clerk,
10 appoint a temporary officer to hold such office and
11 exercise the powers and perform the duties thereof
12 until another is duly elected or appointed and has

13 qualified according to law or, the disability having
14 been removed, the disabled or incapacitated officer
15 resumes his duties. Any such temporary officer
16 shall be sworn and give bond for the faithful perform-
17 ance of his duties in accordance with the provisions
18 of law applying to the officer whose place he fills
19 and if he fails so to do within five days after his ap-
20 pointment, the selectmen may rescind the appoint-
21 ment and appoint another.

1 SECTION 4. Said chapter forty-one is hereby
2 further amended by striking out section sixty-one
3 A and inserting in place thereof the following:—

4 *Section 61A.* If the office of city auditor, city
5 treasurer, city collector of taxes, or other elected
6 officer having charge of a city department is vacant,
7 or if any such officer is unable to perform his duties,
8 the mayor, without confirmation by the city council,
9 any provision of a city charter to the contrary not-
10 withstanding, shall appoint a temporary officer to
11 hold such office and exercise the powers and perform
12 the duties thereof until another is qualified, or, the
13 disability having been removed, the disabled or in-
14 capacitated officer resumes his duties; but no such
15 temporary officer shall be appointed under this sec-
16 tion for a period longer than sixty days. Any such
17 temporary officer shall be sworn and give bond for
18 the faithful performance of his duties in accordance
19 with the provisions of law applying to the officer
20 whose place he fills, and if he fails so to do within
21 five days after his appointment the mayor may
22 rescind the appointment and appoint another.

1 SECTION 5. Section thirteen of chapter sixty, as
2 appearing in the Tercentenary Edition thereof, is

3 hereby amended by adding at the end thereof the
4 following:— If he does not give bond as herein
5 required, the selectmen may declare the office vacant
6 and fill the vacancy in the manner prescribed by
7 section forty of chapter forty-one, — so as to read
8 as follows:— *Section 13.* The collector shall, before
9 the commitment to him of any taxes of any year, give
10 bond for the faithful performance of his duties in a
11 form approved by the commissioner and in such
12 sum, not less than the amount established by the
13 commissioner, as shall be fixed by the selectmen or
14 mayor and aldermen. A copy of each such bond
15 shall be delivered to the commissioner. If he does
16 not give bond as herein required, the selectmen may
17 declare the office vacant and fill the vacancy in the
18 manner prescribed by section forty of chapter forty-
19 one.