

SENATE No. 662

By Mr. Locke, a petition (accompanied by proposal, Senate, No. 662) of David H. Locke and Arthur E. Chase for a legislative amendment to the Constitution relative to the qualifications of judicial officers and the vacating of office upon disbarment. The Judiciary.

The Commonwealth of Massachusetts

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

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION
RELATIVE TO THE QUALIFICATIONS OF JUDICIAL OFFICERS AND THE
VACATING OF OFFICE UPON DISBARMENT.

1 A majority of all the members elected to the Senate and House
2 of Representatives, in joint session, hereby declares it to be
3 expedient to alter the Constitution by the adoption of the
4 following Article of Amendment, to the end that it may become
5 a part of the Constitution [if similarly agreed to in a joint session
6 of the next General Court and approved by the people at the state
7 election next following]:

8 **ARTICLE OF AMENDMENT.**

9 Article I of Chapter II of Part the Second of the Constitution
10 is hereby annulled and the following is adopted in place
11 thereof: —

12 **ARTICLE I.** The tenure that all commissioned officers shall
13 by law have in their offices, shall be expressed in their respective
14 commissions. All judicial officers shall be attorneys-at-law and
15 members in good standing of the bar of the Commonwealth. All
16 judicial officers, duly appointed, commissioned, and sworn, shall
17 hold their offices during good behavior, excepting that the
18 disbarment of a judicial officer shall be deemed, taken and shall
19 operate as a vacation of his office, and excepting such concerning

20 whom there is different provision made in this Constitution:
 21 provided, nevertheless, the governor with the consent of the
 22 council, may remove them upon the address of both houses of
 23 the legislature; and provided also that the governor with the
 24 consent of the council, may after due notice and hearing retire
 25 them because of advanced age or mental or physical disability;
 26 and provided further, that on attaining seventy years of age said
 27 judges shall be retired. Such retirement shall be subject to any
 28 provisions made by laws as to pensions or allowances payable to
 29 such officers upon their voluntary retirement.