

SENATE No. 80

To accompany the petition of Frank D. Crowley that provision be made for the election of county commissioners, associate county commissioners and a county treasurer for the county of Suffolk and for a county form of government for said county. Counties.

The Commonwealth of Massachusetts

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

An Act providing for the Election of County Commissioners, Associate County Commissioners and a County Treasurer for the County of Suffolk, and for a County Form of Government for Said County.

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 thirty-four of the Gen-
2 eral Laws is hereby amended by striking out
3 section four and inserting in place thereof the
4 following:—

5 *Section 4.* Except in Nantucket county, there
6 shall be elected in each county, as provided
7 in section one hundred and fifty-eight of chap-
8 ter fifty-four, for terms of four years begin-
9 ning the first Wednesday of January following
10 their election and until their successors are quali-
11 fied, three county commissioners and two asso-

12 ciate commissioners, who shall be sworn before
 13 entering upon their duties, and shall annually,
 14 at their first meeting after the first Wednesday
 15 of January, choose by ballot a chairman. In
 16 Nantucket county the selectmen of Nantucket
 17 shall, except as otherwise provided, have the
 18 powers and perform the duties of county com-
 19 missioners.

1 SECTION 2. Section five of said chapter thirty-
 2 four is hereby amended by inserting at the end
 3 of the table specifying the salaries of county
 4 commissioners, the following: —

5 Suffolk, \$6,000

1 SECTION 3. Section seven of said chapter
 2 thirty-four, as appearing in the Tercentenary
 3 edition of the General Laws, is hereby amended
 4 by striking out all after the word “way” in the
 5 third line.

1 SECTION 4. Section nine of said chapter thirty-
 2 four, as so appearing, is hereby amended by
 3 inserting after the word “October” in the third
 4 line the following paragraph: —

5 At Boston, the first Tuesday of each month.

1 SECTION 5. Section one of chapter thirty-five
 2 of the General Laws, as so appearing, is hereby
 3 amended by striking out in the first line the
 4 words “Suffolk county the treasurer of Boston
 5 and in” and by striking out the comma after
 6 the word “Nantucket” in the second line, —

7 so as to read as follows: — *Section 1.* In Nan-
8 tucket county the treasurer of the town of Nan-
9 tucket shall be the county treasurer. In all
10 other counties, a treasurer, who shall be a resi-
11 dent of the county, shall be elected as provided
12 in section one hundred and sixty of chapter
13 fifty-four, for the term of six years beginning
14 with the first Wednesday of January following
15 his election and until his successor is qualified.
16 No incumbent of the office of attorney general,
17 district attorney, justice of the superior court,
18 clerk of the courts or sheriff shall be county
19 treasurer.

1 SECTION 6. Section eleven of said chapter
2 thirty-five, as so appearing, is hereby amended
3 by striking out, in the sixth line, the words
4 “, except in Suffolk county” — so as to read as
5 follows: — *Section 11.* No payments, except pay-
6 ments of expenses in criminal prosecutions, of
7 expenses of the courts, of the compensation or
8 salaries of county officers established by law, of
9 outstanding notes or bonds and of interest thereon,
10 shall be made by a treasurer except upon orders
11 drawn and signed by a majority of the county
12 commissioners, certified by their clerk and ac-
13 companied by the original bills, vouchers or
14 evidences of county indebtedness for which pay-
15 ment is ordered, stating in detail the items and
16 confirming the account. Said clerk shall not
17 certify such orders until he has recorded them
18 in the records of the commissioners.

1 SECTION 7. Section twelve of said chapter
2 thirty-five, as so appearing, is hereby amended
3 by striking out, in the fourth line, the words
4 “, or in Suffolk county, to the auditor of Boston”
5 — so as to read as follows: — *Section 12.* Original
6 bills or vouchers for services and expenses
7 incident to the sittings of the supreme judicial
8 or superior court under section eight of chapter
9 two hundred and thirteen shall be delivered to
10 the county treasurer, with orders for their pay-
11 ment.

1 SECTION 8. Section fifteen of said chapter
2 thirty-five, as so appearing, is hereby amended
3 by striking out, in the third line, the words
4 “Except in Suffolk county, his” and inserting
5 in place thereof the word:—His, — so as to
6 read as follows: — *Section 15.* The treasurer
7 shall keep a full and accurate account stating
8 when, from or to whom, and on what account
9 money has been received or paid. His books
10 shall be kept in the form prescribed by the di-
11 rector of accounts.

1 SECTION 9. Said chapter thirty-five is hereby
2 further amended by striking out section eighteen
3 and inserting in place thereof the following: —
4 *Section 18.* Sections fifteen, sixteen, twenty-
5 five to thirty, inclusive, and thirty-two to thirty-
6 four, inclusive, shall not affect the special laws
7 relative to Nantucket county.

1 SECTION 10. Section twenty-three of said
2 chapter thirty-five, as so appearing, is hereby
3 amended by striking out, in the eighth and ninth
4 lines, the words “, if the court is in Suffolk
5 county, to the collector of the city of Boston or,
6 if the court is in any other county,” — so as to
7 read as follows: — *Section 23.* Money paid into
8 the courts in any county shall, if possible, be
9 placed at interest by the clerks thereof, and the
10 interest shall be available for the uses of the
11 county, unless the court directs it to be paid to
12 the parties to the litigation in connection with
13 which such money was paid into court. All in-
14 terest in the custody of any clerk of said courts
15 not directed to be paid as aforesaid, remaining
16 after payment by order of the court of the prin-
17 cipal fund to parties litigant entitled thereto,
18 shall annually be paid to the county treasurer
19 of said county between January first and tenth,
20 to be used for general county purposes.

1 SECTION 11. Section thirty-seven of said
2 chapter thirty-five, as so appearing, is hereby
3 amended by striking out, in the thirteenth line,
4 the words “Suffolk and Nantucket counties”
5 and inserting in place thereof the words: —
6 Nantucket county, — so that the sixth sentence
7 will read as follows: — Except as otherwise ex-
8 pressly provided by law, neither county com-
9 missioners nor county treasurers, except in Nan-
10 tucket county, may borrow money or negotiate
11 loans upon the credit of the county.

1 SECTION 12. Said chapter thirty-five is hereby
2 further amended by striking out section forty-
3 two.

1 SECTION 13. Section forty-three A of said
2 chapter thirty-five, as so appearing, is hereby
3 amended by striking out, in the fifth line, the
4 words "Suffolk or" — so as to read as follows: —
5 *Section 43A.* Every officer or employee of a
6 county required to furnish a fidelity bond with
7 a surety or sureties shall furnish a bond with a
8 surety company authorized to transact business
9 in the commonwealth, as surety. The premium
10 on such bond shall in every case, except in the
11 case of the treasurer of Nantucket county, be
12 paid by the county.

1 SECTION 14. Chapter fifty-four of the Gen-
2 eral Laws, as so appearing, is hereby amended
3 by striking out section one hundred and fifty-
4 eight and inserting in place thereof the follow-
5 ing: —
6 *Section 158.* At the biennial state election
7 in nineteen hundred and twenty-four, and in
8 every fourth year thereafter, there shall be chosen
9 by the voters of each county, except Nantucket,
10 two county commissioners for the county; and
11 at the biennial state election in nineteen hun-
12 dred and twenty-two, and in every fourth year
13 thereafter, there shall be chosen by the voters
14 of each county, except Nantucket, one county
15 commissioner for the county.

16 At the biennial state election in nineteen hun-
17 dred and twenty-two, and in every fourth year
18 thereafter, there shall likewise be chosen by the
19 voters of each county, except Nantucket, two
20 associate commissioners for the county.

21 Not more than one of the county commissioners
22 and associate commissioners shall be chosen
23 from the same city or town. If two persons
24 residing in the same city or town shall appear to
25 have been chosen to said offices, only the person
26 receiving the larger number of votes shall be
27 declared elected; but if they shall receive an
28 equal number of votes, no person shall be de-
29 clared elected. If a person residing in a city or
30 town where a county commissioner or an asso-
31 ciate commissioner who is to remain in office
32 also resides, shall appear to have been chosen,
33 he shall not be declared elected. If the person
34 is not declared elected by reason of the above
35 provisions, the person receiving the next highest
36 number of votes for the office, and who resides
37 in another city or town, shall be declared elected.

1 SECTION 15. Section one hundred and sixty
2 of said chapter fifty-four, as so appearing, is
3 hereby amended by striking out, in the third
4 line, the words "except Suffolk and" — so as
5 to read as follows: — *Section 160.* At the bi-
6 ennial state election in nineteen hundred and
7 twenty-four, and in every sixth year thereafter,
8 a county treasurer shall be chosen by the voters
9 in each county, except Nantucket.

1 SECTION 16. At the biennial state election
2 in nineteen hundred and thirty-four, there shall
3 be chosen by the voters of Suffolk county three
4 county commissioners, two for terms of two
5 years each, and one for the term of four years;
6 and two associate commissioners, for terms of
7 four years each. Upon the expiration of their
8 terms, their successors shall be chosen for terms
9 of four years, as provided in section one hundred
10 and fifty-eight of chapter fifty-four of the Gen-
11 eral Laws.

12 At said biennial state election, there shall also
13 be chosen by the voters of said county a county
14 treasurer for the term of two years; and upon
15 the expiration of his term his successor shall be
16 chosen for the term of six years, as provided in
17 section one hundred and sixty of said chapter
18 fifty-four.

1 SECTION 17. All powers, duties and obliga-
2 tions vested in the city council of the city of
3 Boston as county commissioners of the county
4 of Suffolk, and in the city treasurer of said city
5 as county treasurer of said county, under the
6 provisions of general or special law are hereby
7 vested in the respective officers to be elected
8 under the provisions of section sixteen of this
9 act, as of the date of the qualification of the
10 officers to be elected as aforesaid.