

SENATE No. 318.

Commonwealth of Massachusetts.

AMENDMENTS OF HOUSE BILL RELATIVE TO THE DUTIES OF
JUDGES OF PROBATE AND INSOLVENCY (HOUSE, No.
1020) (NEW DRAFT OF HOUSE, No. 368).

The bill has been amended by the Senate by striking out all of section 1 to and including the word "convenience" in line 15, and inserting in place thereof the following:—
"Section 1. Section one of chapter three hundred and seventy-seven of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting after the word 'unable,' in the second line, the words 'or fails;' by striking out in the third line the words 'sickness or interest,' and inserting in place thereof the words 'any cause;' and by striking out after the word 'provided,' in the thirteenth line, the words 'that with the written consent of all parties interested,' and inserting in place thereof the words 'that unless objection is made by some interested party before the decree is entered,' so as to read as follows:— 'Section 1. When a judge of probate and insolvency is unable or fails to perform his duties or any part of them from any cause.'"

Mr. Bouvé moves that the bill be amended as follows:—

By striking out all of section 3 and inserting in place thereof the following new section:— "Section 3. Section three of said chapter is hereby amended by adding at the end of said section the words 'and such compensation, so far as it is for services rendered for any cause except where

interest prevents the performance of his duties by the regular judge shall, for any excess above three per cent. of his salary, be deducted from the salary of the judge so assisted,' so as to read as follows:— '*Section 3.* The judge performing the duties aforesaid shall be entitled to receive from the treasury of the Commonwealth, in addition to the amount otherwise allowed to him by law, the sum of fifteen dollars a day for each day that he performs said duties, and such compensation, so far as it is for services rendered for any cause except where interest prevents the performance of his duties by the regular judge shall, for any excess above three per cent. of his salary, be deducted from the salary of the judge so assisted;'

By adding the following new section:— "*Section 4.* This act shall take effect upon its passage."

If the foregoing pending amendments, moved by Mr. Bouvé, are adopted, the bill, as already amended, will read as follows:—

[*Words inserted in the place of words stricken out are printed in italics.*]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-nine.

AN ACT

Relative to the Duties of Judges of Probate and Insolvency.

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. *Section one of chapter three hundred and*
- 2 *seventy-seven of the acts of the year eighteen hundred*
- 3 *and ninety-four is hereby amended by inserting after the*

4 word “unable,” in the second line, the words “or fails;”
5 by striking out in the third line the words “sickness or
6 interest,” and inserting in place thereof the words “any
7 cause;” and by striking out after the word “provided,”
8 in the thirteenth line, the words “that with the written
9 consent of all parties interested,” and inserting in place
10 thereof the words “that unless objection is made by some
11 interested party before the decree is entered,” — so as to
12 read as follows: —

13 “Section 1. When a judge of probate and insolvency
14 is unable or fails to perform his duties or any part of
15 them from any cause, or when, in his opinion, the court
16 requires the assistance of another judge in order to
17 transact the business with proper dispatch, or when
18 there is a vacancy in the office of the judge of probate
19 and insolvency in any county, his duties, or such of
20 them as he may request, shall be performed in the same
21 county by the judge of probate and insolvency of any other
22 county designated by the judge, or, in case of failure to
23 so designate on the part of the judge, designated by
24 the register of probate and insolvency, from time to
25 time, as the need arises: *provided*, that unless objection
26 is made by some interested party before the decree is
27 entered, any case may be heard and determined out of
28 said county in the performance of such duties by such
29 other judge, and he may send his written decree in
30 regard thereto to the probate office in which the case is
31 pending. Two or more sessions of either court may be
32 held at the same time, the fact being so stated upon the
33 record.”

1 SECTION 2. Section two of said chapter is hereby
2 amended by inserting after the word “which,” in the
3 fourth line, the words “and the occasion for which,”
4 so as to read as follows: —

5 *Section 2.* The register of probate and insolvency
6 shall certify in his records and also to the auditor of the
7 Commonwealth the number of days and the dates of the
8 same in which, and the occasion for which, said duties
9 are performed by the judge of another county under the
10 provisions of the preceding section.

1 SECTION 3. *Section three of said chapter is hereby*
2 *amended by adding at the end of said section the words*
3 *“and such compensation, so far as it is for services ren-*
4 *dered for any cause except where interest prevents the*
5 *performance of his duties by the regular judge shall, for*
6 *any excess above three per centum of his salary, be deducted*
7 *from the salary of the judge so assisted,” so as to read as*
8 *follows:—*

9 *“Section 3. The judge performing the duties afore-*
10 *said shall be entitled to receive from the treasury of*
11 *the Commonwealth, in addition to the amount otherwise*
12 *allowed to him by law, the sum of fifteen dollars a day*
13 *for each day that he performs said duties, and such com-*
14 *penation, so far as it is for services rendered for any*
15 *cause except where interest prevents the performance of*
16 *his duties by the regular judge shall, for any excess above*
17 *three per centum of his salary, be deducted from the*
18 *salary of the judge so assisted.”*

1 SECTION 4. This act shall take effect upon its pas-
2 sage.