

SENATE No. 306.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT, BOSTON, April 18, 1907.

To the Honorable Senate and House of Representatives.

I return without my approval a bill entitled "An Act to establish the Salary of the Clerk of the Superior Court for Civil Business for the County of Suffolk."

This bill fixes the salary of the clerk of the Superior Court for civil business in Suffolk county at \$6,500. In 1904 the Legislature passed an act establishing a schedule of salaries for county officers after a careful and prolonged investigation, by a special recess committee appointed for the purpose. It had been generally recognized that there were many inequalities and injustices in such salaries, especially in those of clerks of courts and other county officials, and the legislation in question was an effort to reform conditions which had existed and under which in some counties the clerks were inadequately paid while in other counties they were overpaid.

In the revision of the salary lists by the Legislature of 1904, the fact was recognized that the most populous counties of the State and those having the greatest amount of court business, — namely, Suf-

folk and Middlesex, might in justice employ clerks at a higher salary than should be paid to the clerks in any other counties of the Commonwealth. It was determined, and we must assume only after taking into consideration the exceptional requirements of the office in Suffolk county, that the clerk of the Superior Court for civil business, as well as the clerk of the Superior Court for criminal business in that county, should be paid \$6,000. For reasons, however, which the Legislature regarded as adequate, it was specifically provided that the then incumbent of the office of clerk of the Superior Court for civil business should not be required to suffer a reduction in salary. If it had been decided that the work of the office on its merits was worth a salary of \$6,500, the Legislature would, it seems to me, have voted to continue the old salary beyond the official life of the incumbent of the office at that time.

The salary of the official to whom this bill applies was set by the Legislature of 1904 at the high figure of \$6,000. This remuneration is already in excess of that of the Secretary of the Commonwealth, of the State Auditor and of the Treasurer and Receiver General. It is now, however, proposed to increase the salary of this same official from its present high figure, so as to make the financial recognition of his services equal to that of the justices on the bench and thirty per cent. in excess of that of the Attorney-General of the Commonwealth.

The argument is made, I know, that the sum provided by this bill as a salary for the office of clerk of the Superior Court for civil business in Suffolk county was once paid to an office holder of less efficiency than the present incumbent. It is evident,

however, that after careful legislative inquiry, the General Court decided that the sum formerly paid was in the nature of an extravagant remuneration for the services rendered. That extravagance should once have existed is no argument for its perpetuation, especially in view of the care with which the legislation of 1904 was adopted for the benefit of the taxpayers. In the present instance the beneficiary of this special legislation, though no reflection has been cast upon his integrity or the ability with which he has exercised his duty, has not even the sentimental excuse of long service.

The proposed salary being out of proportion to that paid to judges and to other officials of high responsibility, it cannot be, in my judgment, logically sanctioned without a general increase of the salaries of other servants of the public whose labors are infinitely more arduous and whose responsibilities are certainly infinitely greater.

For these reasons I submit to your honorable bodies that the salary proposed by this bill is inequitable, and I therefore feel obliged to withhold my approval.

CURTIS GUILD, JR.

