

# HOUSE . . . . No. 1316

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By Mr. Melley of Chelsea, petition of Joseph A. Melley that provision be made for election of county commissioners and a county treasurer for Suffolk County. Counties.

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## The Commonwealth of Massachusetts

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

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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 General  
2 Laws is hereby amended by striking out section four  
3 and inserting in place thereof the following:—  
4 *Section 4.* Except in Nantucket county, there shall  
5 be elected in each county, as provided in section one  
6 hundred and fifty-eight of chapter fifty-four, for  
7 terms of four years beginning the first Wednesday  
8 of January following their election and until their  
9 successors are qualified, three county commissioners  
10 and two associate commissioners, who shall be sworn  
11 before entering upon their duties, and shall annually,  
12 at their first meeting after the first Wednesday of  
13 January, choose by ballot a chairman. In Nantucket

14 county the selectmen of Nantucket shall, except as  
15 otherwise provided, have the powers and perform the  
16 duties of county commissioners.

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

5 Suffolk, . . . . . \$6,000

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

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

5 At Boston, the first Tuesday of each month.

1 SECTION 5. Section one of chapter thirty-five of  
2 the General Laws, as so appearing, is hereby amended  
3 by striking out in the first line the words “Suffolk  
4 county the treasurer of Boston and in” and by strik-  
5 ing out the comma after the word “Nantucket” in  
6 the second line, — so as to read as follows:— *Sec-*  
7 *tion 1.* In Nantucket county the treasurer of the  
8 town of Nantucket shall be the county treasurer.  
9 In all other counties, a treasurer, who shall be a resi-  
10 dent of the county, shall be elected as provided in  
11 section one hundred and sixty of chapter fifty-four,  
12 for the term of six years beginning with the first  
13 Wednesday of January following his election and

14 until his successor is qualified. No incumbent of  
15 the office of attorney general, district attorney, jus-  
16 tice of the superior court, clerk of the courts or sheriff  
17 shall be county treasurer.

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

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

1 SECTION 8. Section fifteen of said chapter thirty-  
2 five, as so appearing, is hereby amended by striking

3 out, in the third line, the words "Except in Suffolk  
4 county, his" and inserting in place thereof the word:  
5 — His, — so as to read as follows: — *Section 15.* The  
6 treasurer shall keep a full and accurate account stat-  
7 ing when, from or to whom, and on what account  
8 money has been received or paid. His books shall be  
9 kept in the form prescribed by the director 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-five  
5 to thirty, inclusive, and thirty-two to thirty-four, in-  
6 clusive, shall not affect the special laws relative to  
7 Nantucket county.

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

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

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

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

1 SECTION 14. Chapter fifty-four of the General  
2 Laws, as so appearing, is hereby amended by strik-  
3 ing out section one hundred and fifty-eight and in-  
4 serting in place thereof the following:—

5 *Section 158.* At the biennial state election in nine-  
6 teen hundred and twenty-four, and in every fourth  
7 year thereafter, there shall be chosen by the voters  
8 of each county, except Nantucket, two county com-  
9 missioners for the county; and at the biennial state

10 election in nineteen hundred and twenty-two, and in  
11 every fourth year thereafter, there shall be chosen  
12 by the voters of each county, except Nantucket, one  
13 county commissioner for the county.

14 At the biennial state election in nineteen hundred  
15 and twenty-two, and in every fourth year thereafter,  
16 there shall likewise be chosen by the voters of each  
17 county, except Nantucket, two associate commis-  
18 sioners for the county.

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

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

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

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

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

