

By Mr. Sacco of Medford, petition of George L. Sacco, Jr., and Timothy W. Hickey for legislation to provide that the judge of probate for Nantucket County devote full time to his judicial duties and establishing the salary for such position. The Judiciary.

## **The Commonwealth of Massachusetts**

**In the Year One Thousand Nine Hundred and Seventy-One.**

AN ACT PROVIDING THAT THE JUDGE OF PROBATE FOR NANTUCKET COUNTY SHALL DEVOTE HIS FULL TIME TO JUDICIAL DUTIES AND ESTABLISHING HIS SALARY.

*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 217 of the General Laws is hereby  
2 amended by striking out section 6, as most recently amended  
3 by section 1A of chapter 756 of the acts of 1963, and  
4 inserting in place thereof the following section: —  
5 *Section 6.* No judge of probate shall be interested in, or  
6 benefited by, the fees or emoluments which may arise in any  
7 matter pending before any probate court or court of insolvency  
8 of this commonwealth, or which may arise in any suit or  
9 action pending in any court of this commonwealth where the  
10 subject matter or cause of action is founded upon or derived  
11 from proceedings begun in any of the probate courts or courts  
12 of insolvency nor shall he, except as otherwise provided, be  
13 appointed or act as executor, administrator, guardian, conserva-  
14 tor, trustee under a will, commissioner, appraiser or assignee of  
15 or upon an estate within the jurisdiction of any probate court;  
16 nor shall he be interested in the fees or emoluments arising  
17 from any of said trusts. Judges of probate, except the judge  
18 for Dukes county, shall devote their entire time during ordi-  
19 nary business hours to their duties and shall not, directly or  
20 indirectly, engage in the practice of law. The judge of probate  
21 of Dukes county shall not be retained or employed or act as  
22 counsel or attorney, either in or out of court, in any suit or  
23 matter which may depend on or in any way relate to a

24 decision, warrant, order or decree made or passed by any  
 25 probate court or court of insolvency; nor for or against an  
 26 executor, administrator, guardian, conservator or trustee under  
 27 a will appointed within the jurisdiction of any probate court,  
 28 in any action or suit brought by or against the executor,  
 29 administrator, guardian, conservator or trustee under a will as  
 30 such; nor in any action or suit relating to the official conduct  
 31 of such a party; nor for or against a creditor, or debtor or  
 32 assignee, in a cause or matter arising out of or connected with  
 33 any proceedings before any probate court or court of insol-  
 34 vency; nor in an appeal in such cause or matter; provided, that  
 35 nothing in this section shall otherwise prohibit the practice of  
 36 law by the judge of probate of Dukes county. The judge of  
 37 probate for Nantucket county shall sit in the probate court of  
 38 any other county if he is assigned thereto by the chief judge of  
 39 probate and when so assigned shall receive from the common-  
 40 wealth the expense incurred by him.

1 SECTION 2. Said chapter 217 is hereby further amended by  
 2 striking out section 34, as most recently amended by chapter  
 3 845 of the acts of 1969, and inserting in place thereof the  
 4 following section: —

5 *Section 34.* The salaries of all judges of probate shall be  
 6 paid by the commonwealth except for the salary of the judge  
 7 of probate designated under section two A to have and per-  
 8 form the duties described in section eight, and are hereby  
 9 established as follows: —

10	County	Salaries
11	Suffolk . . . . .	\$ 26,300
12	Middlesex . . . . .	26,300
13	Norfolk . . . . .	26,300
14	Essex . . . . .	26,300
15	Hampden . . . . .	26,300
16	Worcester . . . . .	26,300
17	Bristol . . . . .	26,300
18	Plymouth . . . . .	26,300
19	Barnstable . . . . .	26,300
20	Berkshire . . . . .	26,300

21	Franklin . . . . .	26,300
22	Hampshire . . . . .	26,300
23	Dukes . . . . .	26,300
24	Nantucket . . . . .	9,400

25 The judge designated under section two A shall, irrespective  
26 of the county in which he serves as a judge of probate, receive  
27 a salary of twenty-seven thousand three hundred dollars for  
28 his combined services as chief judge and judge of probate.

No.	Name	Address	City	State
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...
11	...	...	...	...
12	...	...	...	...
13	...	...	...	...
14	...	...	...	...
15	...	...	...	...
16	...	...	...	...
17	...	...	...	...
18	...	...	...	...
19	...	...	...	...
20	...	...	...	...
21	...	...	...	...
22	...	...	...	...
23	...	...	...	...
24	...	...	...	...
25	...	...	...	...
26	...	...	...	...
27	...	...	...	...
28	...	...	...	...
29	...	...	...	...
30	...	...	...	...
31	...	...	...	...
32	...	...	...	...
33	...	...	...	...
34	...	...	...	...
35	...	...	...	...
36	...	...	...	...
37	...	...	...	...
38	...	...	...	...
39	...	...	...	...
40	...	...	...	...
41	...	...	...	...
42	...	...	...	...
43	...	...	...	...
44	...	...	...	...
45	...	...	...	...
46	...	...	...	...
47	...	...	...	...
48	...	...	...	...
49	...	...	...	...
50	...	...	...	...