

# HOUSE . . . . No. 1326

---

---

By Mr. Duggan of Newburyport, petition of Charles F. Gadsby that special justices of district courts be made eligible for assignment to the appellate divisions of district courts of their respective districts. The Judiciary.

---

---

## The Commonwealth of Massachusetts

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

AN ACT MAKING SPECIAL JUSTICES OF DISTRICT COURTS ELIGIBLE TO BE ASSIGNED TO PARTICIPATE IN HOLDING THE APPELLATE DIVISIONS OF THE DISTRICT COURTS OF THEIR RESPECTIVE APPELLATE DIVISION DISTRICTS.

*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 108 of chapter 231 of the  
2 General Laws, as most recently amended by chapter  
3 382 of the acts of 1939, is hereby further amended by  
4 adding at the end of the first paragraph the following:  
5 — When the period of time for which any such assign-  
6 ment or for which any assignment of a special justice  
7 shall have been made by such chief justice shall have  
8 expired, or any justice or special justice so assigned  
9 shall otherwise cease to be qualified to act in the  
10 appellate divisions for the performance of such duty  
11 in which divisions such justice or such special justice  
12 shall have been so assigned, such chief justice may

13 assign to fill the vacancy any special justice of a dis-  
14 trict court within the same appellate division district,  
15 but not more than two special justices shall at any  
16 time be assigned to the performance of such duty for  
17 wholly or partly concurrent periods in the same ap-  
18 pellate division district; and, during the period for the  
19 performance of such duty in which any special justice  
20 shall have been so assigned, such special justice may  
21 and shall serve as such justices may and shall serve  
22 when such justices are so assigned. The number of  
23 justices and special justices assigned to perform such  
24 duty in any appellate division district shall not at any  
25 time exceed five, — and by adding to the second  
26 paragraph of the said section by inserting at the end  
27 of the said second paragraph the following: — A  
28 special justice acting in the appellate division of a dis-  
29 trict court shall be allowed forty dollars for each day  
30 he so acts, and his necessary traveling expenses,  
31 incidental expenses and necessary clerical assistance  
32 while so acting, to be paid by the county in which he  
33 so acts, upon his certificate approved by the county  
34 commissioners; provided, that the total sum expended  
35 for such incidental expenses and clerical assistance  
36 shall not exceed in any year the sum of fifteen hundred  
37 dollars in the northern appellate division district or  
38 the sum of seven hundred and fifty dollars in either of  
39 the other two appellate division districts.

1 SECTION 2. Section 43A of chapter 218 of the  
2 General Laws, as amended, is hereby further amended  
3 by adding at the end of the said section the following  
4 new paragraph: —

5 The committee shall annually on or before the first  
6 day of July submit to the chief justice of the supreme

7 judicial court the names of two or more special justices  
8 in relation to each appellate division district with a  
9 certificate by a majority of the committee that they  
10 deem the special justices whose names will be so sub-  
11 mitted to possess qualifications such as to enable them  
12 to render good service if assigned by the said chief  
13 justice to act in appellate divisions, under the pro-  
14 visions of section one hundred and eight of chapter two  
15 hundred and thirty-one of the General Laws, as  
16 amended by section one of this act, and may at any  
17 time, by notifying the said chief justice that the com-  
18 mittee or a majority thereof have determined so to do,  
19 withdraw the name of any special justice who shall  
20 have so been certified to the said chief justice. In  
21 any year the committee may so submit the name of  
22 any special justice whose name shall have been so  
23 submitted in any prior year.

