

HOUSE No. 1020.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 29, 1899.

The committee on Probate and Insolvency to whom was referred the petition (with accompanying bill, House, No. 245) of R. E. Harmon for legislation to permit one judge of probate and insolvency to make compensation for services of another for his convenience; also the bill (introduced on leave) relative to the duties of judges of probate and insolvency (House, No. 368), report the accompanying bill.

For the Committee,

WM. D. CHAPPLE.

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 hun-
2 dred seventy-seven of the acts of the year eight-
3 een hundred and ninety-four is hereby amended
4 by inserting after the word "interest" the words
5 "or absence for his reasonable convenience," and
6 by striking out after the word "provided" the
7 words "that with the written consent of all
8 parties interested," and inserting in substitution
9 the words "that unless objection is made by some
10 interested party before the decree is entered," so
11 as to read as follows:—

12 *Section 1.* When a judge of probate and in-
13 solvency is unable to perform his duties or any part
14 of them from sickness or interest, or absence for
15 his reasonable convenience, or when, in his

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

1 SECTION 2. Section two of the act named in
2 the preceding section is hereby amended by in-
3 serting after the word "which" the words, "and
4 the occasion for which," so as to read as follows:—
5 *Section 2.* The register of probate and insol-
6 vency shall certify in his records and also to the
7 auditor of the Commonwealth the number of days
8 and the dates of the same in which, and the occa-
9 sion for which, said duties are performed by the
10 judge of another county under the provisions of
11 the preceding section.

1 SECTION 3. Section three of the act named in
2 section one of this act is hereby amended by add-
3 ing at its end the words, "as compensation therefor,
4 and such compensation, so far as it is for services
5 rendered on the occasions of sickness, or absence
6 for his reasonable convenience, as provided in
7 the first section of this act for any excess above
8 four weeks shall be deducted from the salary of
9 the judge so assisted," so as to read as follows:—
10 *Section 3.* The judge performing the duties
11 aforesaid said be entitled to receive from the
12 treasury of the Commonwealth, in addition to the
13 amount otherwise allowed to him by law, the sum
14 of fifteen dollars a day for each day that he per-
15 forms said duties as compensation therefor, and
16 such compensation, so far as it is for services
17 rendered on the occasion of sickness, or absence
18 for his reasonable convenience, as provided in
19 the first section of this act for any excess above
20 four weeks shall be deducted from the salary of
21 the judge so assisted.