

HOUSE No. 1231

By Mr. Duggan of Newburyport, petition of Edward E. Crawshaw that special justices of district courts be made eligible for assignment in the appellate division districts of said courts. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

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

14 court within the same appellate division district, but
15 not more than two special justices shall at any time
16 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
19 the performance of such duty in which any special
20 justice shall have been so assigned, such special justice
21 may and shall serve as such justices may and shall
22 serve when such justices are so assigned. The number
23 of justices and special justices assigned to perform
24 such duty in any appellate division district shall not
25 at any time exceed five, — and by adding to the sec-
26 ond paragraph of the said section by inserting at the
27 end 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 thirty-five dollars for each
30 day 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 jus-

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

