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By Mr. Parsons of Marblehead, petition of William B. Sleigh, Jr., for legislation relative to administrative authority in courts having more than one judge or justice. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty.

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AN ACT RELATIVE TO ADMINISTRATIVE AUTHORITY IN THE COURTS HAVING MORE THAN ONE JUDGE OR JUSTICE.

*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 2 of chapter 217 of the General  
2 Laws, as most recently amended, is hereby further  
3 amended by striking out the word "judges" in the  
4 fourth sentence thereof and substituting the words: —  
5 first judge, — so that said sentence will read as fol-  
6 lows: — The first judge shall so arrange the perform-  
7 ance of their duties as to insure a prompt and punc-  
8 tual discharge thereof.

1 SECTION 2. Section 8 of said chapter is hereby  
2 amended by inserting before the word "judge" in  
3 the eighth line thereof the word: — first, — and by  
4 inserting after the word "judge" the words: — or the  
5 judge performing the duties of the first judge.

1 SECTION 3. Section 11 of said chapter is hereby  
2 amended by inserting before the word "judge" in  
3 the seventh line thereof the word: — first.

1 SECTION 4. Section 12 of said chapter is hereby  
2 amended by inserting the word: — first, — before the  
3 third line thereof the word: — first.

1 SECTION 5. Section 13 of said chapter is hereby  
2 amended by inserting the word “first” before the  
3 word “judge” in the first sentence and also in the  
4 second sentence thereof.

1 SECTION 6. Section 23 of said chapter is hereby  
2 amended by striking out the word “judges” in the  
3 first line of the first sentence and substituting the  
4 words: — the first judge or the judge, — and by in-  
5 serting before the word “judge” at the end of the  
6 first sentence the words: — first judge or the, — and  
7 by inserting before the word “judge” in the last sen-  
8 tence the words: — first judge or the.

1 SECTION 7. Section 24 of said chapter, as most re-  
2 cently amended by chapter 464 of the acts of 1943, is  
3 further amended by striking out the word “judge”  
4 in the first sentence and substituting the words: —  
5 first judge or the judge, — and by inserting before  
6 the word “judge” at the end of the first sentence the  
7 words: — first judge or the.

1 SECTION 8. Section 24A of said chapter, as most  
2 recently amended by chapter 392 of the acts of 1939,  
3 is hereby further amended by substituting the words:  
4 — first judge, — for the word “judges” at the begin-  
5 ning and at the end of the first sentence in said section.

1 SECTION 9. Section 25A, as most recently amended  
2 by chapter 482 of the acts of 1946, is hereby further

3 amended by substituting the words: — first judge, —  
4 for the word “judges” wherever the latter appears in  
5 said section.

1 SECTION 10. Section 30 of chapter 217 is hereby  
2 amended by striking out section 30, as most recently  
3 amended by chapter 226 of the acts of 1941, and  
4 inserting in place thereof the following: —

5 *Section 30.* The first judge of probate for the  
6 counties of Suffolk and Middlesex may appoint two  
7 officers, and the judge of probate for the county of  
8 Plymouth and the first judge of probate for the  
9 counties of Essex and Worcester may appoint an  
10 officer, to attend the sessions of the probate court and  
11 court of insolvency of their respective counties. Such  
12 officers may be removed at the pleasure of the judge  
13 or first judge of probate of their respective counties,  
14 and the said first judge or judge may fill any vacancy  
15 caused by removal or otherwise. Each court officer  
16 appointed hereunder for Suffolk, Middlesex or Worces-  
17 ter county shall give bond with sufficient surety ap-  
18 proved by the first judge of his court for the faithful  
19 performance of his duties, in the sum of one thousand  
20 dollars, payable to the treasurer of Suffolk county, or  
21 to Middlesex or Worcester county, as the case may be.  
22 The court officer for Plymouth county and for Essex  
23 county shall, if required by the judge or first judge,  
24 give a bond payable to Plymouth county or Essex  
25 county, as the case may be, for the faithful perform-  
26 ance of his duties, with sureties satisfactory to the  
27 judge or first judge. Each officer appointed hereunder  
28 shall serve the orders, precepts and processes issued  
29 by the probate court for which he is appointed, or by  
30 a judge thereof; and except in Plymouth county,



31 shall, at the expense of his county be furnished with  
32 a uniform such as the first judge or judge shall order,  
33 which he shall wear while in attendance on said  
34 court. The salary of the officer appointed hereunder  
35 to serve in the probate court and the court of insol-  
36 vency of Worcester county shall be fixed by the first  
37 judge of said court in a sum not to exceed eight hun-  
38 dred dollars, to be paid by said county.

1 SECTION 11. Section 31 of said chapter is amended  
2 by striking out the word "judges" at the beginning  
3 of the first sentence and substituting the words:—  
4 first judge, — and by striking out the word "their"  
5 in said sentence and substituting the word:— is, —  
6 and by striking out the word "court" in the last sen-  
7 tence and substituting the words:— first judge.

1 SECTION 12. Section 31A, inserted by section 2 of  
2 chapter 313 of the acts of 1935, is hereby amended  
3 by striking out the word "judges" at the beginning  
4 of the first sentence and substituting the words:—  
5 first judge, — and by striking out the word "their"  
6 in said sentence and substituting the word:— his, —  
7 and by striking out the word "court" before the word  
8 "shall" in the last sentence and substituting the  
9 words:— first judge.

1 SECTION 13. Section 32 of said chapter is hereby  
2 amended by striking out the word "judges" at the  
3 beginning of the first sentence and substituting the  
4 words:— first judge, — and by striking out the  
5 word "their" in said sentence and substituting the  
6 word:— is, — and by striking out the word "court"

7 before the word "shall" in the last sentence and  
8 substituting the words: — first judge.

1 SECTION 14. Section 32A of said chapter is hereby  
2 amended by inserting the word: — first, — before the  
3 word "judge" in the first sentence thereof and by  
4 substituting the words: — first judge, — for the word  
5 "court" in the last clause of the last sentence.

1 SECTION 15. Sections 9, 10, 11, 15, 16, 39 and 40  
2 of chapter 218 of the General Laws, as amended, are  
3 hereby further amended by inserting the word: —  
4 first, — before the word "justice" wherever the same  
5 occurs in connection with administrative authority of  
6 a justice of a district court other than the municipal  
7 court of the city of Boston.

1 SECTION 16. In case of and during a vacancy, or  
2 the absence of inability of the first judge of a pro-  
3 bate court or of a district court in which there is more  
4 than one judge, the administrative functions of the  
5 first judge may be performed by the next judge of  
6 the court in order of seniority.

1 SECTION 17. Section 7 of chapter 185 of the Gen-  
2 eral Laws is hereby amended by striking out the  
3 word "court's" in the last sentence thereof and in-  
4 serting after the word "approval" in said sentence  
5 the words: — of the judge, — so that said section  
6 shall read as follows: — *Section 7. Duties and Powers*  
7 *of Recorder.* — The recorder shall be under the direc-  
8 tion of the court, shall have the custody and control  
9 of all papers and documents filed with him in any  
10 petition for registration, action or proceeding in said

11 court, and shall carefully number and index them.  
12 Said papers and documents shall be kept in Boston  
13 in the recorder's office, which shall be near the land  
14 court. He may, with the approval of the judge,  
15 employ necessary assistants and messengers.



