
The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 23, 1972.

The committee on the Judiciary, to whom were referred so much of the recommendations of the Commissioner of Probation (House, No. 123) as relates to authorizing the court to place certain persons care of probation officers (accompanied by bill, House, No. 127); the petition (accompanied by bill, Senate, No. 16) of the Massachusetts Bar Association, by Richard K. Donahue, president, for legislation to provide for temporary service by certain retired justices of the Superior Court; the petition (accompanied by bill, Senate, No. 22) of the Massachusetts Bar Association, by Richard K. Donahue, president, for legislation to provide how wills may be made; the petition (accompanied by bill, Senate, No. 47) of Francis X. McCann for legislation to designate November eleventh as Armistice Day in the Commonwealth; the petition (accompanied by bill, Senate, No. 108) of John M. Quinlan for legislation to appoint as public administrators the chief attorneys for public legal aid agencies; the petition (accompanied by bill, Senate, No. 114) of John M. Quinlan for legislation to provide protection for sources of information for those engaged in the profession of journalism; the petition (accompanied by bill, Senate, No. 116) of John M. Quinlan for legislation to ascertain and carry out the will of the people in 1972 relative to the calling and holding of a constitutional convention in 1973 to deal with subjects limited to the revision, alteration and amendment of the structure of government and to the rearrangement, simplification, and methods of amending the Constitution, and to provide for a preparatory commission therefor; the petition (accompanied by bill, Senate, No. 117) of John M. Quinlan for legislation to ascertain and carry out the will of the people in 1972 relative to the calling and holding of a constitutional convention in 1973 to deal with subjects limited to the use of public money, property and credit for public and non-public schools and educational institutions and in aid of the students thereof; the petition (accompanied by bill, Senate, No. 118) of Philip A. Quinn for legislation to repeal the law authorizing certain justices of the peace to issue warrants and to take bail in criminal cases; the petition (accompanied by bill, Senate, No. 210) of Walter D. Malcolm and others and William M. Bulger for

legislation to amend the Uniform Commercial Code; the petition (accompanied by bill, Senate, No. 457) of John F. Aylmer for legislation to impose a mandatory sentence of five years for committing a felony while armed; the petition (accompanied by resolve, Senate, No. 482) of William M. Bulger that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the judicial system of the Commonwealth, with particular reference to the establishment of appropriate salary schedules therein and the better use of judicial manpower; the petition (accompanied by bill, Senate, No. 491) of Robert L. Cawley and another for legislation to impose an additional penalty upon persons who while in the commission of certain felonies carry loaded firearms; the petition (accompanied by bill, Senate, No. 492) of Robert L. Cawley and another for legislation to provide a mandatory sentence of imprisonment for the possession of certain articles or instruments and for setting certain explosives or for throwing the same at persons or property; the petition (accompanied by bill, Senate, No. 493) of Robert L. Cawley and another for legislation to impose stricter penalties for commission of certain crimes while released on bail or personal recognizance; the petition (accompanied by bill, Senate, No. 494) of James DeNormandie for legislation to increase the number of associate judges of the Land Court; the petition (accompanied by bill, Senate, No. 499) of Samuel Harmon and John F. Burke for legislation to provide for the temporary recall of retired justices of the Supreme Judicial Court; the petition (accompanied by bill, Senate, No. 502) of Gerald J. Willinger for legislation to eliminate special authorization for cause for an arrest on a *capias* after sunset; the petition (accompanied by bill, Senate, No. 507) of David H. Locke and Gilbert W. Cox, Jr., for legislation relative to liability of parents for damage caused by children; the petition (accompanied by bill, Senate, No. 518) of David H. Locke for legislation to ascertain the will of the people with reference to the membership of the House of Representatives and the number of representative districts in the Commonwealth and providing for an investigation and study by the committees on Rules of the two branches, acting concurrently, relative to said subject; the petition (accompanied by bill, Senate, No. 523) of Allan R. McKinnon, members of the House of Representatives, and the Common Cause, by Carole Cohen, Director, for legislation to clarify the conflict of interest law; the petition

(accompanied by bill, Senate, No. 526) of Andrea F. Nuciforo, John J. Mooney and William M. Bulger for legislation to expand equity jurisdiction of the Superior Court; the petition (accompanied by bill, Senate, No. 529) of William P. Homans, Jr., and Andrea F. Nuciforo for legislation relative to the stenographic reporting of testimony given before grand juries; the petition (accompanied by bill, Senate, No. 530) of William P. Homans, Jr., and Andrea F. Nuciforo for legislation to authorize counsel to be present at grand jury proceedings; the petition (accompanied by bill, Senate, No. 532) of Philibert L. Pellegrini and another for legislation to provide a penalty for persons who wilfully and wrongfully break, open or enter without right, any parking meter, coin operated telephone or other vending device; the petition (accompanied by bill, Senate, No. 534) of the Mass. Cemetery Assoc., by John F. X. Gaquin and William L. Saltonstall for legislation to provide that parents shall be liable for damage resulting from wilful acts of their minor children committed in cemeteries; the petition (accompanied by bill, Senate, No. 539) of Neil L. Chayet for legislation to limit the period of initial appointment of a temporary guardian by the probate court; the petition (accompanied by bill, Senate, No. 541) of Neil L. Chayet for legislation to limit the period for which a temporary conservator may be initially appointed by the probate court; the petition (accompanied by bill, Senate, No. 542) of Arthur H. Tobin for legislation to waive the necessity of consent for the adoption of a child of a grossly unfit parent, after hearing by the probate court; the petition (accompanied by bill, Senate, No. 544) of Arthur H. Tobin, members of the House of Representatives and another for legislation to regulate release or bail for certain second offenders; the petition (accompanied by bill, Senate, No. 548) of Arthur H. Tobin for legislation to provide for the payment of witness fees for certain indigents; the petition (accompanied by bill, Senate, No. 550) of Richard D. Wimberly and Mario Umana for legislation to make Martin Luther King, Jr.'s birthday a legal holiday; the petition (accompanied by bill, Senate, No. 551) of Richard D. Wimberly for legislation to provide for a system of sentencing similar to the model sentencing act of the advisory council of judges of the NCCD; the petition (accompanied by bill, Senate, No. 552) of Max Dobro for legislation to provide a mandatory fine and imprisonment for robbery of a taxicab operator; the petition (accompanied by bill, Senate, No. 553) of Max Dobro for legislation to prohibit the

suspension of the execution of sentences upon a second conviction for the same offense; the petition (accompanied by bill, Senate, No. 556) of Garrett H. Byrne and Mario Umana for legislation to facilitate criminal appeals to the Supreme Judicial Court; the petition (accompanied by bill, Senate, No. 1100) of Allan R. McKinnon for legislation to require mitigation of damages in rental agreements; the petition (accompanied by bill, House, No. 357) of Charles F. Flaherty, Jr., for legislation to increase the fees of clerks of courts; the petition (accompanied by bill, House, No. 365) of I. Edward Serlin for legislation to prohibit the attachment of wages, personal property or real property except after final judgment has been attained and execution has been issued; the petition (accompanied by bill, House, No. 556) of Edward W. Connelly for legislation to exclude Washington's Birthday, Columbus Day and Veterans' Day from the restrictions of the common day of rest law; the petition (accompanied by bill, House, No. 760) of Steve T. Chmura relative to the jurisdiction of the Springfield Juvenile Court; the petition (accompanied by bill, House, No. 763) of Raymond L. Flynn for legislation to provide a mandatory sentence of imprisonment for the possession of certain articles or instruments and for setting certain explosives or for throwing the same at persons or property; the petition (accompanied by bill, House, No. 770) of Ronald A. Pina and Mimie B. Pitaro that social security payments and veterans and public assistance benefits be included among those resources exempt from execution under supplementary proceedings in civil action cases; the petition (accompanied by bill, House, No. 954) of the Mass. State Labor Council, AFL-CIO, and C. Vincent Shea for legislation to designate federal and state election days as legal holidays; the petition (accompanied by bill, House, No. 1157) of Richard E. McLaughlin (Secretary of Public Safety) and Edward F. Galotti relative to the crime of homicide by motor vehicle; the petition (accompanied by bill, House, No. 1162) of George L. Sacco, Jr., for legislation to designate November eleventh as Veterans' Day; the petition (accompanied by bill, House, No. 1344) of James J. Bowler for legislation to exempt Veterans' Day from the restrictions of the Common Day of Rest Law; the petition (accompanied by bill, House, No. 1538) of Daniel W. Carney relative to providing for direct liability to persons injured under certain conditions; the petition (accompanied by bill, House, No. 1552) of Antone S. Aguiar, Jr., for legislation to provide for the appointment

of a third assistant register of probate for the county of Bristol; the petition (accompanied by bill, House, No. 1564) of Raymond L. Flynn relative to the annual observance of Armistice Day; the petition (accompanied by bill, House, No. 1732) of Peter C. McCarthy relative to designating election day as a legal holiday; the petition (accompanied by bill, House, No. 1733) of Peter C. McCarthy relative to the adoption of illegitimate children; the petition (accompanied by bill, House, No. 1916) of John P. Swift and Charles Robert Doyle for legislation to designate certain Mondays as legal holidays; the petition (accompanied by bill, House, No. 1918) of David S. Liederman and other members of the General Court for legislation to provide for public conservators for the management of estates; the petition (accompanied by bill, House, No. 2109) of Arnold S. Dane for legislation to abolish the issuance of certain licenses by the probate courts; the petition (accompanied by bill, House, No. 2110) of Arnold S. Dane for legislation to further limit appeals in the probate court where no appearances have been filed; the petition (accompanied by bill, House, No. 2296) of the Massachusetts Chapter, Americans for Democratic Action, John A. Businger, David J. Mofenson, James J. Carrigan, Mario Umana and another for legislation to designate election day as a legal holiday; the petition (accompanied by bill, House, No. 2297) of Barney Mould for legislation to designate Good Friday as a legal holiday; the petition (accompanied by bill, House, No. 2306) of James R. Lawton, Paul Maurice Murphy and another relative to limiting the remarriage of divorced parties; the petition (accompanied by bill, House, No. 2692) of James J. Heggie, Jr., that witness fees in criminal cases be paid at a rate commensurate with the hourly rate of compensation earned by the witness in his usual occupation; the petition (accompanied by bill, House, No. 2851) of the Boston Legal Assistance Project that registers and assistant registers of probate be authorized to issue temporary restraining and custody orders; the petition (accompanied by bill, House, No. 2971) of George G. Burke, Clifford H. Marshall and Robert B. Ambler for legislation to expand the jurisdiction of district court justices sitting in certain criminal cases within the Superior Court; the petition (accompanied by bill, House, No. 3175) of Robert B. Ambler relative to the appointment of the chief justice of the juvenile court system; the petition (accompanied by resolve, House, No. 3320) of Arthur J. Lewis, Jr., for an investigation by a special commission (including members of

the General Court) relative to the feasibility of establishing special schools for students who have disciplinary and adjustment problems and any other related matters; the petition (accompanied by bill, House, No. 3357) of Albert W. Flynn, J. Laurence Golden and another for legislation to provide that petitions to determine whether the consent of persons shall be required in subsequent proceedings for adoption may be brought in any county by the Department of Public Welfare; the petition (accompanied by bill, House, No. 3358) of Albert W. Flynn, J. Laurence Golden and another for legislation to further regulate the inspection of petitions for adoption and records and papers in connection therewith; the petition (accompanied by bill, House, No. 3554) of Lincoln P. Cole, Jr., for an amendment of the law providing for the observance of holidays on Monday to provide for making April nineteenth a legal holiday; the petition (accompanied by bill, House, No. 3752) of Marie E. Howe relative to making March seventeenth a legal holiday throughout the Commonwealth; the petition (accompanied by bill, House, No. 3945) of John P. O'Brien and Arthur J. McKenna for legislation to designate November eleventh as a legal holiday; the petition (accompanied by bill, House, No. 4057) of Robert J. McGinn and James A. Adams that Columbus Day be exempt from the restrictions of the Common Day of Rest Law; the petition (accompanied by bill, House, No. 4519) of J. Laurence Golden relative to increasing the fees for certain recordings; the petition (accompanied by bill, House, No. 4701) of George J. Bourque relative to designating November the eleventh as Veterans' Day; the petition (accompanied by bill, House, No. 4711) of George L. Sacco, Jr., for legislation to make election day a legal holiday; the petition (accompanied by bill, House, No. 4867) of William J. Dignan that attorneys be authorized to sign pleadings for the party in interest in certain probate matters; the petition (accompanied by bill, House, No. 4869) of Raymond L. Flynn and James F. Hart relative to making March seventeenth a legal holiday throughout the Commonwealth; the petition (accompanied by bill, House, No. 4870) of Paul H. Guzzi for legislation to make Lincoln's birthday a legal holiday; and the petition (accompanied by bill, House, No. 5290) of Paul Murphy and Alan D. Sisitsky that provision be made for speedy trial in criminal cases, report recommending that the accompanying order (House, No. 6002) ought to be adopted.

For the committee,

CORNELIUS F. KIERNAN

The Commonwealth of Massachusetts

1 *Ordered*, That the Committee on Judiciary be authorized to sit
2 during the recess of the general court for the purpose of making
3 an investigation and study of the subject matter of current senate
4 documents numbered 16, providing for temporary service by
5 certain retired justices of the superior court; 22, to provide how
6 wills may be made; 47, designating November eleventh as
7 Armistice day in the commonwealth; 108, to appoint as public
8 administrators the chief attorneys for public legal aid agencies;
9 114, providing protection for sources of information for those
10 engaged in the profession of journalism; 116, to ascertain and
11 carry out the will of the people in 1972 relative to the calling and
12 holding of a constitutional convention in 1973 to deal with
13 subjects limited to the revision, alteration and amendment of the
14 structure of government and to the rearrangement, simplifi-
15 cation, and methods of amending the constitution; and to
16 provide for a preparatory commission therefor; 117, to ascertain
17 and carry out the will of the people in 1972 relative to the calling
18 and holding of a constitutional convention in 1973 to deal with
19 subjects limited to the use of public money, property and credit
20 for public and for non-public schools and educational institutions
21 and in aid of the students thereof; 118, repealing the law
22 authorizing certain justices of the peace to issue warrants and to
23 take bail in criminal cases; 210, amending article 9 and related
24 provisions of the uniform commercial code; 457, imposing a
25 mandatory sentence of five years for committing a felony while
26 armed; of the investigation and study proposed by current senate
27 document numbered 482, relative to the judicial system of the
28 commonwealth, with particular reference to the establishment of
29 appropriate salary schedules therein and the better use of judicial
30 manpower; of current senate documents 491, imposing an
31 additional penalty upon persons who while in the commission of
32 certain felonies carry loaded firearms; 492, providing a manda-
33 tory sentence of imprisonment for the possession of certain
34 articles or instruments and for setting certain explosives or for
35 throwing the same at persons or property; 493, imposing stricter
36 penalties for commission of certain crimes while released on bail
37 or personal recognizance; 494, increasing the number of associate
38 judges of the land court; 499, providing for the temporary recall

39 of retired justices of the supreme judicial court; 502, to eliminate
40 special authorization for cause for an arrest on a capias after
41 sunset; 507, relative to liability of parents for damage caused by
42 children; 518, to ascertain the will of the people with reference
43 to the membership of the house of representatives and the
44 number of representative districts in the commonwealth and
45 providing for an investigation and study by the committees on
46 rules of the two branches relative to said subject; 523, to clarify
47 the conflict of interest law; 526, to expand equity jurisdiction of
48 the superior court; 529, relative to the stenographic reporting of
49 testimony given before grand juries; 530, authorizing counsel to
50 be present at grand jury proceedings; 532, relative to coin
51 operated vending machines and providing for penalties; 534,
52 providing that parents shall be liable for damage resulting from
53 wilful acts of their minor children committed in cemeteries; 539,
54 limiting the period of initial appointment of a temporary
55 guardian by the probate court; 541, limiting the period for which
56 a temporary conservator may be initially appointed by the
57 probate court; 542, waiving the necessity of consent for the
58 adoption of a child of a grossly unfit parent; 544, regulating
59 release of bail for certain second offenders; 548, providing for
60 the payment of witness fees for certain indigents; 550, to make
61 Martin Luther King, Jr.'s birthday a legal holiday; 551, to
62 provide for a system of sentencing similar to the model
63 sentencing act of the advisory council of judges of the NCCD;
64 552, providing a mandatory fine and imprisonment for robbery
65 of a taxicab operator; 553, prohibiting the suspension of the
66 execution of sentences upon a second conviction for the same
67 offense; 556, to facilitate criminal appeals to the supreme judicial
68 court; 1100, requiring mitigation of damages in rental agree-
69 ments; and of current house documents numbered 127, autho-
70 rizing the court to place certain persons in care of probation
71 officers; 357, increasing the fees of clerks of courts; 365, to
72 forbid attachments of wages, personal property or real property
73 except after final judgment and issue of execution; 556,
74 excepting Washington's birthday, Columbus day, and Veterans
75 day from the restrictions of the common day of rest law; 760,
76 relative to the jurisdiction of the Springfield juvenile court; 763,
77 providing a mandatory sentence of imprisonment for the

78 possession of certain articles or instruments and for setting
79 certain explosives or for throwing the same at persons or
80 property; 770, exempting social security, veterans and public
81 assistance benefits from execution; 954, to include federal and
82 state election days in legal holidays; 1157, creating the crime of
83 homicide by motor vehicle; 1162, designating November eleventh
84 as Veterans day; 1344, excepting veterans' day from the
85 restrictions of the common day of rest laws and making it a half
86 holiday; 1538, providing for direct liability of insurer to person
87 injured under certain conditions; 1552, providing for the
88 appointment of a third assistant register of probate for the
89 county of Bristol; 1564, relative to the annual observance of
90 Armistice Day; 1732, designating the day for holding the state
91 elections as a legal holiday; 1733, relative to the adoption of an
92 illegitimate child; 1916, designating certain Mondays as legal
93 holidays; 1918, providing for public conservators; 2109, to
94 abolish issuance of licenses by probate courts; 2110, to further
95 limit appeals in the probate court where no appearances have
96 been filed; 2296, making certain election days legal holidays;
97 2297, to designate Good Friday as a legal holiday; 2306, limiting
98 the remarriage of divorced parties; 2692, regulating the payment
99 of witness fees in criminal cases; 2851, to permit registers and
100 assistant registers of probate to issue temporary restraining and
101 custody orders; 2971, to expand the jurisdiction of district court
102 justices sitting in certain criminal cases within the superior court;
103 3175, relative to the appointment of the chief justice of the
104 juvenile court system; of the investigation and study proposed by
105 current house document numbered 3320, relative to the feasibility
106 of establishing special schools for students who have
107 disciplinary and adjustment problems and any other related
108 matters; of current house documents numbered 3357, providing
109 that a petition to determine whether the consent of any person
110 shall be required in a subsequent proceeding for adoption may be
111 brought in any county by the department of public welfare;
112 3358, further regulating the inspection of petitions for adoption
113 and records and papers in connection therewith; 3554, making
114 April nineteenth a legal holiday; 3752, making March seven-
115 teenth a legal holiday throughout the commonwealth; 3945,
116 designating November eleventh as a legal holiday; 4057,

117 exempting Columbus day from the restrictions of the common
118 day of rest law; 4519, increasing the fees for certain recordings
119 and making certain corrective changes; 4701, designating Novem-
120 ber the eleventh as Veterans' Day; 4711, to make election day a
121 legal holiday; 4867, providing that attorneys may sign pleadings
122 for the party in interest in certain probate matters; 4869, to make
123 St. Patrick's Day a legal holiday in the commonwealth; 4870,
124 making Lincoln's birthday a legal holiday; and 5290, providing
125 for speedy trial in criminal cases.

The Department of State

Washington, D. C.

March 14, 1918

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 11th inst.

and in reply to inform you that the same has been forwarded to the

proper authorities for their consideration.

I am, Sir, very respectfully,

Yours very truly,

John B. Quinn

Secretary of State

Washington, D. C.

Enclosure

Very truly yours,

John B. Quinn

Secretary of State

Washington, D. C.

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