

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Superior Court
Equity No. 15013

William B. Carter et als.

vs.

Cyril L. Barker

ORDER REFUSING DECLARATORY JUDGMENT OR DECREE

The above-entitled bill in equity for a declaratory judgment under the provisions of Chapter 231A of the General Laws was heard upon its merits and was argued by counsel.

The Court in the exercise of its discretion refuses to render or enter a declaratory judgment or decree in this case because such entry would not terminate the uncertainty or controversy which gave rise to these proceedings for the reason that while the selectmen have power to make rules and regulations with respect to the police department, such rules and regulations must be definite, reasonable and appropriate to the situation which is the subject of this controversy and not indefinite, arbitrary, unreasonable or contrary to the exercise of a discretion which must necessarily rest in the hands of a chief of police in the usual and proper discharge of his police duties, and therefore such a decree would not be final in nature and might result in confusion and uncertainty.

Upon the foregoing a declaratory judgment or decree is refused.

Entered February 24, 1950.

John E. Swift
Justice of the Superior Court