

ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1887,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR.
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

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A CONSTITUTION

OR

FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed. Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

CONSTITUTION OF THE

an original, explicit, and solemn compact with each other ; and of forming a new constitution of civil government, for ourselves and posterity ; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing, and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein. 2 Cush. 104. 12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession of sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment. Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality ; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality : Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers

Legislature empowered to compel provision for public worship ;

of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. § Met. 162. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of gov-
ernment; right
of people to
institute and
change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestible, unalienable, and inalienable right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people
to secure rota-
tion in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the
qualifications
prescribed,
equally eligible
to office.
For the defini-
tion of "inhabit-
ant," see Ch. 1,
Sect. 2, Art. 11.
Right of protec-
tion and duty of
contribution
correlative.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Taxation found-
ed on consent.
16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 369.
7 Met. 388.
4 Gray, 474.
7 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary; but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Private prop-
erty not to be
taken for public
uses without,
etc.
6 Cush. 327.
14 Gray, 155.
16 Gray, 417,
431.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52,
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 559.
100 Mass. 544, 510.	111 Mass. 130.		

Remedies, by
recourse to the
law, to be free,
complete and
prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it;

completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180. 118 Mass. 443, 451. 122 Mass. 332. 127 Mass. 550, 554.
108 Mass. 5, 6. 120 Mass. 118, 120. 124 Mass. 464. 129 Mass. 559.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

114 Mass. 388, 390. 122 Mass. 505, 516. 125 Mass. 182, 188.
120 Mass. 320, 321. 123 Mass. 590, 593. 128 Mass. 600.

Prosecutions regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cush. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 438.
2 Allen, 361.
11 Allen, 238-240, 264, 439, 473.
12 Allen, 170.
97 Mass. 570, 573.
100 Mass. 287, 295.
103 Mass. 418.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.

Right of search and seizure regulated.
Const. of U. S., Amend'd IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
109 Mass. 136, 139.
126 Mass. 269, 273.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend'd VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 217.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto laws prohibited.
12 Allen, 421, 424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not to convict of treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bail or fines, and cruel punishments, prohibited.
5 Gray, 482.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be quartered in any house, unless, etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt from law-martial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219, 221, 225.
Tenure of their office.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Salaries.

Separation of executive, judicial, and legislative departments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282, 286.
114 Mass. 247, 249.
116 Mass. 317.
129 Mass. 559.

PART THE SECOND.

The Frame of Government.

Title of body politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of time, etc., see amendments, Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May:] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto. 99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be passed by two-thirds of each house, notwithstanding.

the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. 3 Mass. 567.

General court may constitute judicatories, courts of record, etc.
8 Gray, 1.
12 Gray, 147, 154.

Courts, etc., may administer oaths.

General court may enact laws, etc.
9 Gray, 426.
4 Allen, 473.
12 Allen, 223, 237.
100 Mass. 544, 557.
116 Mass. 467, 470.

may enact laws, etc., not repugnant to the constitution.
6 Allen, 358.

may provide for the election or appointment of officers.
115 Mass. 602.

may prescribe their duties.

may impose taxes, etc.
 12 Mass. 252.
 5 Allen, 428.
 6 Allen, 558.
 8 Allen, 247, 253.
 19 Allen, 235.
 11 Allen, 268.
 12 Allen, 77, 223, 235, 238, 240, 298, 300, 312, 313, 500, 612.
 98 Mass. 19.
 100 Mass. 285.
 101 Mass. 575, 585.
 103 Mass. 267.
 114 Mass. 388, 391.
 116 Mass. 461.
 118 Mass. 386, 389.
 123 Mass. 493, 495.
 127 Mass. 413.

may impose taxes, etc., to be disposed of for defence, protection, etc.
 8 Allen, 217, 256.
 Valuation of estates once in ten years, at least, while, etc.
 8 Allen, 247.
 126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. 11.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.
 Superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as to councillors, see amendments, Art. XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV. As to cities, see amendments, Art. II. These provisions as to the qualifications of voters, superseded by amendments, Arts. III., XX., and XXVIII. Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January. See amendments, Art. X.

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summonses to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summonses to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, etc., of its own members.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Vacancies, how filled. Changed to election by people. See amendments, Art. XXIV.

Qualifications of a senator. Property qualification abolished. See amendments, Art. XIII. For further provision as to residence, see also amendments, Art. XXII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath.

Limitation of sentence.

of honor, trust, or profit, under this commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum.
For further provisions, see amendments, Art. XXII.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

Representation of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representatives, by whom chosen.
Superseded by amendments, Arts XII and XIII., which were also superseded by amendments, Art. XXI.
7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Proviso as to towns having less than 150 ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of travelling to and from the general court, how paid.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Qualifications of a representative.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

New provision as to residence. See amendments, Art. XXI.
Property qualifications abolished by amendments, Art. XIII.

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter
These provisions superseded by amendments, Arts. III., XX. and XXVIII.
See also amendments, Art. XXIII., which was annulled by Art. XXVI.

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Representatives, when chosen.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House alone can impeach.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to originate all money bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

not to adjourn more than two days.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

quorum.
Superseded by amendments, Art. XXI.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

to judge of returns, etc., of its own members; to choose its officers and establish its rules, etc

may punish for certain offences.
14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.

To be chosen annually.
Qualifications.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

Requirement of religious declaration abolished by amendments, Art. VII.

By whom chosen, if he have a majority of votes.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall,

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.
How chosen, when no person has a majority.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess:] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said

May adjourn or prorogue the general court upon request, and convene the same.
As to dissolution, see amendments, Art. X.

court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Limitation.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

Judicial officers, etc., how nominated and appointed.
For provisions as to election of attorney-general, see amendments, Art. XVII.

Militia officers, how elected
Limitation of age struck out by amendments, Art. V.

How commissioned.

Election of officers.

Major-generals, how appointed and commissioned.

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments. Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. to Allen, 703.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall ex-

hibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His Honor; and who shall be qualified, in point of [religion,] property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. The requirement of a declaration of belief in the christian religion was abolished by amendments, Art. VII.

How chosen.

Election by plurality pro-

vided for by amendments, Art. XIV.

President of council.
Lieutenant-governor a member of, except, etc.

Lieutenant-governor to be acting governor, in case, etc.

representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.
Number of councillors changed to eight.
See amendments, Art. XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number: from whom, and how chosen
Modified by amendments, Arts. X and XIII.
Superseded by amendments, Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators become councillors, their seats to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to have more than two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor in case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may be adjourned until, etc.

Order thereof. Superseded by amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible

Secretary, etc., by whom and how chosen. For provision as to election of secretary, treasurer, and receiver-general, and auditor and attorney-general, see amendments, Art. XVII.

Treasurer in eligible for more than five successive years.

Secretary to keep records; to attend the governor and council, etc.

as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 557, 561.

Justices of the peace; tenure of their office. 5 Cush. 31.

Provisions for holding probate courts. 12 Gray, 147.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

of marriage, divorce, and alimony. Other provisions made by law. 105 Mass. 327. 116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth: but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts, grants, etc., confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Who shall be overseers.

See Statutes,
1751, 224.
1852, 27.
1859, 212.
1865, 173.
1880, 65.

Power of alteration reserved to the legislature.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Oaths, etc.

“ I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[· I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.”]

Oath of office.

“ I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God.”

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*“ I do swear,” “ and abjure,” “ oath or,” “ and abjuration,”* in the first oath, and in the second oath, the words] *“ swear and,”* and [in each of them] the words *“ So help me, God;”* subjoining instead thereof, *“ This I do under the pains and penalties of perjury.”*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz. : judge of probate — sheriff — register of probate — or register of deeds: and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject. I. Allen, 553.

No person holding the office of judge of the supreme judicial court — secretary — attorney-general — solicitor-general — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — clerk of the inferior court of common pleas — or officer of the customs, including in this description naval officers — shall at the

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc., disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Property qualifications may be increased. See amendments, Art. XIII.

Provisions respecting commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions respecting writs.
2 Pick. 592.
3 Met. 58.
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of former laws, except, etc.
1 Mass. 59.
2 Mass. 534.
8 Pick. 309, 316.
16 Pick. 107, 115.
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of *habeas corpus* secured, except, etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.”

The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Officers of former government continued until, etc.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution
For existing provision as to amendments, see amendments, Art. 111.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not approved within five days, not to become a law, if legislature adjourn in the mean time.
3 Mass. 567.
See Const., Ch. I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities.
122 Mass. 554.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.
112 Mass. 200.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding

Qualifications of voters for governor, lieutenant-governor, senators and representatives.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298, 591, 594.
7 Gray. 299.
122 Mass. 595, 597.
124 Mass. 596.

such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

For educational qualification, see amendments, Art. XX. For provision as to those who have served in the army or navy in time of war, see amendments, Art. XXVIII.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public, how appointed and removed.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Vacancies in the offices of secretary and treasurer, how filled. This clause superseded by amendments, Art. XVII.

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, etc.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers. See Const., Ch. VI., Art. I.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath,

Proviso. Quakers may affirm.

he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility of offices.
122 Mass. 445,
600.
123 Mass. 535.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the quali-

fied voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first

Commencement
of political year,

and termination.

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

Article, when to
go into opera-
tion.

election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religions freedom established. See Dec. of Rights, Art. III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted : —

“As the public worship of God and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government ; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses ; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society ; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law ; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid ; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred

and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

Provisions as to census superseded by amendments, Arts. XXI. and XXII. Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Qualifications of councillors.

Arr. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Freehold as a qualification for a seat in general court or council not required.

Elections by the people to be by plurality of votes.

Art. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

Eight councillors to be chosen by the people. 122 Mass. 595, 598.

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, XXV.

Organization of the government.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the

manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintend-

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for sectarian schools. For original provision as to schools, see constitution, Part First, Art. 11f.

12 Allen, 500,
508.
103 Mass. 94, 96,

Legislature to
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8 Gray, 1.
13 Gray, 74.
110 Mass. 172,
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10 Gray, 613.

ence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth;

and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

One hundred members a quorum.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one

Census, etc. See P. S. c. 31.

thousand eight hundred and fifty-seven: and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house

Voters to be basis of apportionment of senators.

Senate to consist of forty members.

Senatorial districts, etc.

See amendments, Art. XXIV.

Qualifications of senators.

Sixteen members a quorum.

Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.

Vacancies in the senate.

Vacancies in the council.

of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Officers of Harvard College may be elected members of general court.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

Persons having served in the U. S. army or navy, etc., not to be disqualified from voting, etc.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

CONSTITUTION OF THE

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1887.

☞ The General Court of 1887 assembled on Wednesday, the fifth day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect were taken and subscribed by His Excellency OLIVER AMES, and His Honor JOHN Q. A. BRACKETT, on Thursday, the sixth day of January, in the presence of the two Houses assembled in convention.

ACTS AND RESOLVES.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR. *Chap. 1*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except as herein provided, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and eighty-seven, to wit : — *Appropriations.*

LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, three thousand dollars each. *Clerks of senate and house.*

For the salaries of the assistant clerks of the senate and house of representatives, one thousand five hundred dollars each. *Assistant clerks*

For the salary of the sergeant-at-arms, three thousand dollars. *Sergeant-at-arms.*

For the salary of the engineer at the state house, one thousand four hundred dollars. *Engineer.*

For the salary of the watchman at the state house, eight hundred dollars. *Watchman.*

For the salaries of the four messengers to the sergeant-at-arms, known as sergeant-at-arms messengers, eleven hundred dollars each. *Sergeant-at-arms' messengers.*

For the salaries of the fireman at the state house, and fireman and janitor at the Commonwealth building, nine hundred dollars each. *Firemen and janitor.*

For the salary of the assistant fireman at the state house, two dollars and one-half per diem, for each day employed. *Assistant fireman.*

EXECUTIVE DEPARTMENT.

- Lieutenant-governor, council. For the compensation of the lieutenant-governor, two thousand dollars, and for the executive council, six thousand four hundred dollars.
- Travelling expenses. For the travelling expenses of the executive council, one thousand dollars.
- Private secretary. For the salary of the private secretary of the governor, two thousand dollars.
- Executive clerk. For the salary of the executive clerk of the governor and council, one thousand five hundred dollars.
- Messenger. For the salary of the messenger of the governor and council, nine hundred dollars.

SECRETARY'S DEPARTMENT.

- Secretary. For the salary of the secretary of the Commonwealth, three thousand dollars.
- First clerk. For the salary of the first clerk in the secretary's department, two thousand dollars.
- Second clerk. For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars.
- Third clerk. For the salary of the third clerk in the secretary's department, one thousand three hundred dollars.
- Extra clerks. For a messenger and such additional clerical assistance as the secretary may find necessary, a sum not exceeding eleven thousand dollars.

TREASURER'S DEPARTMENT.

- Treasurer. For the salary of the treasurer and receiver-general, five thousand dollars.
- First clerk. For the salary of the first clerk in the treasurer's department, two thousand five hundred dollars.
- Second clerk. For the salary of the second clerk in the treasurer's department, two thousand dollars.
- Cashier. For the salary of the cashier in the treasurer's department, two thousand dollars.
- Third clerk. For the salary of the third clerk in the treasurer's department, one thousand four hundred dollars.
- Fund clerk. For the salary of the fund clerk in the treasurer's department, one thousand four hundred dollars.
- Receiving teller. For the salary of the receiving teller in the treasurer's department, one thousand four hundred dollars.
- Paying teller. For the salary of the paying teller in the treasurer's department, one thousand two hundred dollars.

For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding one thousand dollars. Extra clerks.

TAX COMMISSIONER'S DEPARTMENT.

For the salary of the deputy tax commissioner, two thousand seven hundred and fifty dollars. Deputy tax commissioner.

For the salary of the first clerk of the tax commissioner, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the tax commissioner, one thousand three hundred dollars. Second clerk.

For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary, a sum not exceeding twelve thousand dollars. Extra clerks.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, three thousand dollars. Auditor of accounts.

For the salary of the first clerk in the auditor's department, two thousand dollars. First clerk.

For the salary of the second clerk in the auditor's department, one thousand five hundred dollars. Second clerk.

For the salaries of the two extra clerks in the auditor's department, one thousand two hundred dollars each; and for such additional clerical assistance as the auditor may find necessary, a sum not exceeding five hundred dollars. Extra clerks.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, four thousand dollars. Attorney-general.

For the salary of the assistant attorney-general, two thousand dollars. Assistant.

For the salary of a law clerk for the attorney-general, one thousand dollars. Law clerk.

COMMISSIONERS ET AL.

For the salaries of the commissioners on savings banks, six thousand dollars. Commissioners on savings banks.

For the salary of the first clerk of the commissioners on savings banks, one thousand five hundred dollars; for the salary of the second clerk of said commissioners, nine hundred dollars. First clerk.
Second clerk.

Insurance commissioner.	For the salary of the insurance commissioner, three thousand dollars.
Deputy.	For the salary of the deputy insurance commissioner, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk of the insurance commissioner, two thousand dollars.
Second clerk.	For the salary of the second clerk of the insurance commissioner, one thousand five hundred dollars.
Third clerk.	For the salary of the third clerk of the insurance commissioner, one thousand two hundred dollars.
Extra clerks.	For such additional clerical assistance as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding eight thousand dollars.
Inspector of gas meters.	For the salary of the inspector of gas meters, two thousand dollars; for the salary of the assistant inspector of gas meters, one thousand two hundred dollars.
Commissioners of prisons, secretary.	For the salary of the secretary of the commissioners of prisons, two thousand five hundred dollars.
Clerical assistance.	For clerical assistance in the office of the commissioners of prisons, a sum not exceeding one thousand seven hundred dollars.
Railroad commissioners.	For the salaries of the railroad commissioners, eleven thousand dollars.
Clerk.	For the salary of the clerk of the railroad commissioners, two thousand five hundred dollars.
Accountant.	For the salary of the accountant of the railroad commissioners, two thousand five hundred dollars.
Assayer and inspector of liquors.	For the salary of the assayer and inspector of liquors, one thousand dollars.
Chief, bureau of statistics of labor.	For the salary of the chief of the bureau of statistics of labor, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk in the bureau of statistics of labor, one thousand five hundred dollars.
Second clerk.	For the salary of the second clerk in the bureau of statistics of labor, one thousand three hundred dollars.
Additional assistance and expenses.	For such additional assistance, and for the necessary expenses of the bureau of statistics of labor, a sum not exceeding five thousand dollars.
Statistics of manufactures.	For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding six thousand five hundred dollars.
Commissioner on state aid.	For the salary of the third commissioner on state aid, one thousand eight hundred dollars.

For clerical assistance, salaries and expenses of agents, and other necessary expenses of the commissioners on state aid, a sum not exceeding five thousand seven hundred dollars.

Clerical assistance and expenses.

For the salaries of the harbor and land commissioners, five thousand five hundred dollars.

Harbor and land commissioners.

For the compensation and expenses of the engineer, for clerical and other assistants authorized by the harbor and land commissioners, a sum not exceeding thirty-three hundred dollars.

Engineer and assistants.

For the salary of the chief examiner of the civil service commission, two thousand five hundred dollars; and for the salary of the secretary of said commission, one thousand two hundred dollars.

Civil service commission.

For the salaries of the gas commissioners, eight thousand dollars; and for the compensation and expenses of the clerk of the gas commissioners, a sum not exceeding two thousand dollars.

Gas commissioners.

AGRICULTURAL DEPARTMENT.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.

Secretary of board of agriculture.

For the salary of the clerk of the secretary of the board of agriculture, eleven hundred dollars.

Clerk.

For other clerical assistance in the office of the secretary of the board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding eight hundred dollars.

Additional clerical assistance.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, three thousand four hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Secretary of board of education.

For the salary of the assistant librarian and clerk of the board of education, two thousand dollars.

Assistant librarian and clerk.

For such clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand five hundred dollars.

Additional clerks.

For the purchase of books for the state library, three thousand three hundred dollars.

Purchase of books.

MILITARY DEPARTMENT.

For the salary of the adjutant-general, three thousand dollars.

Adjutant-general.

- First clerk. For the salary of the first clerk in the adjutant-general's department, two thousand dollars.
- Second clerk. For the salary of the second clerk in the adjutant-general's department, one thousand six hundred dollars.
- Additional clerk. For the salary of an additional clerk in the adjutant-general's department, one thousand six hundred dollars.
- Extra clerks. For the salaries of two extra clerks in the adjutant-general's department, one thousand two hundred dollars each.
- Messenger. For the salary of the messenger in the adjutant general's department, eight hundred dollars.
- Additional clerks. Employees at arsenal. For such additional clerical assistance as the adjutant-general may find necessary, and for compensation of employees at the state arsenal, a sum not exceeding five thousand five hundred dollars.
- Surgeon-general. For the salary of the surgeon-general, one thousand two hundred dollars.

MISCELLANEOUS.

- Decennial census. For the completion of the decennial census of the year eighteen hundred and eighty-five, a sum not exceeding seventeen thousand dollars.
- Secretary of state board of health. For the salary of the secretary of the state board of health, two thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1887.

Chap. 2 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND MILEAGE OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR EXPENSES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows :

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to wit : —
- Senators, compensation. For compensation of senators, thirty thousand seven hundred and fifty dollars.
- Senators, mileage. For mileage of senators, a sum not exceeding four hundred and fifty dollars.
- Representatives, compensation. For compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars.
- Representatives, mileage. For mileage of representatives, a sum not exceeding two thousand five hundred dollars.

For compensation of the chaplains of the senate and house of representatives, three hundred dollars each. Chaplains.

For compensation of the doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding ten thousand dollars. Doorkeepers, messengers and pages.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding seven thousand dollars. Contingent and necessary expenses.

For expenses of summoning witnesses before committees and for fees for such witnesses, a sum not exceeding two hundred dollars. Witnesses before committees.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars. Expenses of committees.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1887.

AN ACT MAKING APPROPRIATIONS FOR COMPENSATION AND MILEAGE OF OFFICERS AND MEN OF THE VOLUNTEER MILITIA, AND FOR OTHER EXPENSES OF THE MILITARY DEPARTMENT.

Chap. 3

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-seven, to wit : — Appropriations.

For compensation of officers and men of the volunteer militia, a sum not exceeding eighty-five thousand dollars. Militia, — Compensation.

For transportation of officers and men of the volunteer militia, while on military duty, a sum not exceeding seventeen thousand dollars. Transportation.

For incidental and contingent expenses of the adjutant-general's department, a sum not exceeding three thousand dollars. Incidental and contingent expenses.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-one thousand dollars. Rent of headquarters and armories.

For incidental and contingent expenses of the quartermaster-general's department, a sum not exceeding five thousand dollars. Quartermaster-general.

For quartermaster's supplies, a sum not exceeding twelve thousand dollars. Quartermaster's supplies.

- Camp ground. For grading and care of the camp ground of the Commonwealth, at Framingham, a sum not exceeding one thousand dollars.
- Military accounts. For military accounts in connection with the volunteer militia, not otherwise provided for, a sum not exceeding four thousand dollars.
- Medical supplies. For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.
- Surgeon-general. For incidental and contingent expenses of the surgeon-general, a sum not exceeding five hundred dollars.
- Record of officers, etc. For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding fifteen hundred dollars.
- Disposition of proceeds of sale of grass at camp ground. Any sums of money received under the provisions of section eighty-eight of chapter fourteen of the Public Statutes, and from the sale of grass at the state camp ground, may be expended by the quartermaster-general, under the direction of the governor and council, for the purchase of other military supplies, and for the care and improvement of said ground.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1887.

Chap. 4 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE JUDICIAL DEPARTMENTS OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, etc., as follows:

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending December the thirty-first in the year eighteen hundred and eighty-seven, to wit: —

SUPREME JUDICIAL COURT.

- Supreme judicial court, — Clerk. For the salary of the clerk of the supreme judicial court, three thousand dollars.
- Reporter. For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.
- Officers and messenger. For the salaries of the officers and messenger of the supreme judicial court, sixteen hundred dollars.
- Expenses. For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

SUPERIOR COURT.

For the salary of the chief justice of the superior court, five thousand three hundred dollars. Superior court, — Chief justice.

For the salaries of the eleven associate justices of the superior court, fifty-five thousand dollars. Associate justices.

COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency for the county of Suffolk, five thousand dollars. Judges, probate and insolvency, — Suffolk.

For the salary of the judge of probate and insolvency for the county of Middlesex, three thousand five hundred dollars. Middlesex.

For the salary of the judge of probate and insolvency for the county of Worcester, three thousand dollars. Worcester.

For the salary of the judge of probate and insolvency for the county of Essex, three thousand dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Bristol, two thousand dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars. Plymouth.

For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand six hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Hampden, two thousand five hundred dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampshire, one thousand four hundred dollars. Hampshire.

For the salary of the judge of probate and insolvency for the county of Franklin, one thousand four hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Dukes County, six hundred dollars. Dukes County.

For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars. Registers, — Suffolk.

For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars. Middlesex.

- Worcester. For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars.
- Essex. For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars.
- Norfolk. For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars.
- Bristol. For the salary of the register of probate and insolvency for the county of Bristol, one thousand eight hundred dollars.
- Plymouth. For the salary of the register of probate and insolvency for the county of Plymouth, one thousand five hundred dollars.
- Hampden. For the salary of the register of probate and insolvency for the county of Hampden, one thousand eight hundred dollars.
- Berkshire. For the salary of the register of probate and insolvency for the county of Berkshire, one thousand six hundred dollars.
- Hampshire. For the salary of the register of probate and insolvency for the county of Hampshire, one thousand four hundred dollars.
- Franklin. For the salary of the register of probate and insolvency for the county of Franklin, one thousand four hundred dollars.
- Barnstable. For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.
- Nantucket. For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
- Dukes County. For the salary of the register of probate and insolvency for the county of Dukes County, six hundred dollars.
- Assistant registers, — Suffolk. For the salary of the assistant register of probate and insolvency for the county of Suffolk, two thousand dollars.
- Middlesex. For the salary of the assistant register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars.
- Worcester. For the salary of the assistant register of probate and insolvency for the county of Worcester, one thousand five hundred dollars.
- Essex. For the salary of the assistant register of probate and insolvency for the county of Essex, one thousand five hundred dollars.
- Norfolk. For the salary of the assistant register of probate and insolvency for the county of Norfolk, one thousand one hundred dollars.

For the salary of the clerk to the register of probate and insolvency for the county of Suffolk, one thousand two hundred dollars. Clerk, Suffolk.

For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, a sum not exceeding one thousand two hundred dollars. Clerical assistance, Suffolk.

For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding one thousand five hundred dollars. Clerical assistance, Middlesex.

For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding one thousand dollars. Clerical assistance, Essex.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, a sum not exceeding six thousand four hundred dollars. Clerical assistance in the several counties.

For expenses of courts of probate and insolvency, a sum not exceeding two thousand dollars. Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for Suffolk district, four thousand five hundred dollars. District attorney, Suffolk.

For the salaries of the first and second assistant district attorneys for Suffolk district, two thousand five hundred dollars each. Assistant district attorneys.

For the salary of the clerk for the district attorney for the Suffolk district, one thousand dollars. Clerk.

For the salary of the district attorney for the northern district, two thousand four hundred dollars. District attorney, — Northern district.

For the salary of the district attorney for the eastern district, two thousand four hundred dollars. Eastern district.

For the salary of the district attorney for the southeastern district, one thousand eight hundred dollars. Southeastern district.

For the salary of the district attorney for the southern district, one thousand eight hundred dollars. Southern district.

For the salary of the district attorney for the middle district, two thousand one hundred dollars. Middle district.

For the salary of the district attorney for the western district, one thousand eight hundred dollars. Western district.

For the salary of the district attorney for the northwestern district, one thousand three hundred and fifty dollars. Northwestern district.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1887.

Chap. 5 AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, PURCHASE OF PAPER, PUBLISHING LAWS, AND PREPARING TABLES AND INDEXES RELATING TO THE STATUTES.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-seven, to wit:—

Printing and binding public documents. For printing and binding the series of public documents, under the direction of the secretary of the Commonwealth, a sum not exceeding thirty thousand dollars.

Pamphlet edition of acts and resolves. For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding two thousand five hundred dollars.

“Blue Book” edition of acts and resolves. For printing and binding the “blue book” edition of the acts and resolves of the present year, with the governor’s message, and other matters, in the usual form, a sum not exceeding three thousand dollars.

Newspaper publication of general laws. For the newspaper publication of the general laws, and all information intended for the public, a sum not exceeding five hundred dollars.

Term reports. For reports of decisions of the supreme judicial court, a sum not exceeding two thousand four hundred dollars.

Assessors’ books and blanks. For assessors’ books and blanks furnished cities and towns by the secretary of the Commonwealth, a sum not exceeding one thousand five hundred dollars.

Paper for state printing. For the purchase of paper for the Commonwealth, used in the execution of the contract for the state printing, under the direction of the secretary of the Commonwealth, a sum not exceeding twenty thousand dollars.

Tables and indexes to the statutes. For preparation of tables and indexes relating to the statutes of the present year and subsequent years, under the direction of the governor, a sum not exceeding three hundred dollars.

Legislative printing and binding. For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding twenty-two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1887.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL
EXPENSES.

Chap.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Com-
monwealth, from the ordinary revenue, except as herein
directed, for the purposes specified, to meet expenses for
the year ending on the thirty-first day of December,
eighteen hundred and eighty-seven, to wit: —

For the support of state normal schools, a sum not State normal
exceeding sixty-five thousand nine hundred and seventy- schools.
five dollars, to be paid out of the moiety of the income of
the Massachusetts school fund applicable to educational
purposes.

For the support of the state normal art school, to in- State normal
clude rent, taxes, etc., a sum not exceeding sixteen art school.
thousand dollars, to be paid from the unappropriated bal-
ance of the moiety of the income of the Massachusetts
school fund applicable to educational purposes, and the
excess, if any, from the treasury of the Commonwealth.

For expenses of teachers' institutes, a sum not exceeding Teachers'
two thousand dollars, to be paid out of the moiety of the institutes.
income of the Massachusetts school fund applicable to
educational purposes.

For expenses of county teachers' associations, a sum County teach-
not exceeding three hundred dollars, to be paid out of ers' associa-
the moiety of the income of the Massachusetts school fund tions.
applicable to educational purposes.

For the Massachusetts teachers' association, the sum of Massachusetts
three hundred dollars, to be paid out of the moiety of the teachers'
income of the Massachusetts school fund applicable to association.
educational purposes, subject to the approval of the state
board of education.

For the salaries and expenses of the agents of the state Board of educa-
board of education, a sum not exceeding nine thousand tion, salaries
three hundred and ninety dollars. and expenses
of agents.

For incidental expenses of the state board of education, Expenses of
and of the secretary thereof, a sum not exceeding one board and sec-
thousand two hundred dollars. retary.

For the Dukes County teachers' association, the sum of Dukes County
fifty dollars. teachers' asso-
ciation.

For aid to pupils in state normal schools, a sum not Pupils in state
exceeding four thousand dollars, payable in semi-annual normal schools.

payments, to be expended under the direction of the state board of education.

Travelling expenses of board.

For travelling and other necessary expenses of the state board of education, a sum not exceeding four hundred dollars.

School for the blind.

For the Perkins institution and Massachusetts school for the blind, the sum of thirty thousand dollars.

Beneficiaries in asylums for deaf and dumb.

For the support of Massachusetts beneficiaries in asylums for the deaf and dumb, and in other institutions of the same character, a sum not exceeding thirty-five thousand dollars.

State library.

For contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding eight hundred dollars.

Rogers book fund and Todd normal school fund.

The income of the Rogers book fund, of the Todd normal school fund, and of the two technical educational funds, shall be expended in accordance with the provisions of the various acts relating thereto.

School for the feeble-minded.

For the Massachusetts school for the feeble-minded, the sum of twenty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1887.

Chap. 7

AN ACT TO AUTHORIZE THE ARLINGTON MILLS TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows :

May increase capital stock.

SECTION 1. The Arlington Mills, a corporation located in the city of Lawrence, may increase its capital stock to an amount not exceeding one million five hundred thousand dollars, subject to the provisions of the general laws regulating the payment of capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1887.

Chap. 8

AN ACT TO AMEND THE CHARTER OF THE MARINE SOCIETY AT SALEM.

Be it enacted, etc., as follows :

Charter amended.

SECTION 1. So much of chapter twenty-one of the acts of the Province of the Massachusetts Bay of the year seventeen hundred and seventy-two, being an act to incorporate the Marine Society at Salem, as relates to the monthly meetings of said society, is hereby repealed : and said society is hereby authorized and empowered to hold meetings for the purpose of electing officers and commit-

tees, admitting members, altering by-laws and transacting any business legally coming before it, at such times as it may hereafter by by-law establish and appoint.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1887.

AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL, CONTINGENT AND MISCELLANEOUS EXPENSES OF THE VARIOUS DEPARTMENTS AND COMMISSIONS OF THE COMMONWEALTH. *Chap. 9*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, eighteen hundred and eighty-seven, to wit: —

LEGISLATIVE DEPARTMENT.

For stationery for the senate, purchased by the clerk, a sum not exceeding nine hundred dollars. *Senate stationery.*

For stationery for the house of representatives, purchased by the clerk, a sum not exceeding one thousand six hundred dollars. *House stationery.*

For books, stationery, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding eight hundred dollars. *Sergeant-at-arms' stationery, etc.*

For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars. *Incidental and contingent expenses.*

EXECUTIVE DEPARTMENT.

For the contingent expenses of the executive department, the sum of three thousand dollars. *Contingent expenses.*

For postage, printing and stationery of the executive department, a sum not exceeding eight hundred dollars. *Postage, printing and stationery.*

For the contingent expenses of the governor and council, a sum not exceeding one thousand five hundred dollars. *Contingent expenses.*

For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars. *Postage, printing and stationery.*

STATE HOUSE EXPENSES, ETC.

For repairs, improvements and furniture at the state house, a sum not exceeding ten thousand dollars. *State house repairs.*

For fuel and lights for the state house, a sum not exceeding six thousand dollars. *Fuel and lights.*

- Commonwealth building. For repairs, improvements, furniture and other necessary expenses at the Commonwealth building, a sum not exceeding five thousand dollars.
- Beacon street, number thirteen. For repairs, improvements, furniture, rent and other necessary expenses at house number thirteen Beacon street, a sum not exceeding eight thousand dollars.
- Civil service commissioners. For rent of rooms for the use of the civil service commission, a sum not exceeding eight hundred dollars.
- Bureau of statistics of labor. For rent of rooms for the use of the bureau of statistics of labor, and for the services of a janitor, a sum not exceeding three thousand dollars.
- Elevators. For expenses of running the elevators at the state house, and repairs to the same, a sum not exceeding three thousand dollars.

INCIDENTAL AND CONTINGENT EXPENSES.

- Incidental expenses. Secretary. For incidental expenses in the department of the secretary of the Commonwealth, a sum not exceeding three thousand dollars.
- Treasurer. For incidental and contingent expenses in the department of the treasurer and receiver-general, a sum not exceeding two thousand two hundred and fifty dollars.
- Tax commissioner. For incidental and contingent expenses in the department of the tax commissioner, a sum not exceeding three thousand dollars.
- State valuation. For expenses of the state valuation, under the direction of the deputy tax commissioner, a sum not exceeding three thousand dollars.
- Commissioner of corporations. For incidental expenses of the commissioner of corporations, a sum not exceeding four hundred dollars.
- Auditor. For incidental expenses in the department of the auditor of the Commonwealth, a sum not exceeding eight hundred dollars.
- Attorney-general. For incidental expenses of the attorney-general, a sum not exceeding thirteen hundred and seventy-five dollars; and for expenses of civil actions, a sum not exceeding three hundred dollars.

COMMISSIONERS ET AL.

- Harbor and land commissioners. For travelling and other necessary expenses incidental thereto, of the harbor and land commissioners, a sum not exceeding one thousand dollars.

For incidental and contingent office expenses of the harbor and land commissioners, a sum not exceeding five hundred dollars. Incidental expenses.

For incidental expenses of the department of the insurance commissioner, a sum not exceeding two thousand five hundred dollars. Insurance commissioner.

For compensation of experts or other agents, for rent of office and for incidental and contingent expenses of the railroad commissioners, a sum not exceeding four thousand two hundred and fifty dollars. Railroad commissioners.

For travelling and incidental expenses of the commissioners on savings banks, the same to include expenses incurred in auditing the accounts of county officers, a sum not exceeding two thousand dollars. Commissioners on savings banks.

For travelling and incidental expenses of the gas commissioners, a sum not exceeding one thousand dollars. Gas commissioners.

For travelling and incidental expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred dollars; and for furnishing such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred dollars. Inspectors of gas meters.

For compensation and expenses of the civil service commissioners, a sum not exceeding two thousand five hundred dollars. Civil service commissioners.

For clerical services, expenses of examinations and other necessary expenses of the civil service commission, a sum not exceeding five thousand eight hundred dollars. Expenses of examinations.

For compensation and expenses of the commissioners on inland fisheries, a sum not exceeding six thousand three hundred and twenty-five dollars. Commissioners on inland fisheries.

AGRICULTURAL.

For bounties to agricultural societies, eighteen thousand six hundred dollars. Agricultural societies.

For travelling and necessary expenses of the members of the board of agriculture, a sum not exceeding one thousand six hundred dollars. Board of agriculture. Expenses.

For incidental expenses of the board of agriculture, a sum not exceeding five hundred dollars. Incidental expenses.

For travelling and other necessary expenses of the secretary of the board of agriculture, a sum not exceeding three hundred dollars. Secretary.

Experiment station.

For maintaining an agricultural experimental station at the Massachusetts agricultural college, in the town of Amherst, the sum of ten thousand dollars.

Agricultural college.

For the Massachusetts agricultural college, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars.

Contagious diseases among cattle, etc.

For the purpose of exterminating contagious diseases among horses, cattle and other animals, a sum not exceeding five thousand dollars.

EXPENSES RESULTING FROM THE WAR OF THE REBELLION.

State and military aid to volunteers and families.

For the reimbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding three hundred and sixty-five thousand dollars; the same to be paid on or before the first day of December of the present year.

Expenses.

For postage, printing and all other necessary expenses in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars.

Soldiers' bounties.

For payment of bounties due to Massachusetts soldiers who served in the late war, a sum not exceeding one thousand dollars.

MISCELLANEOUS.

Removal of wrecks, etc.

For expenses in connection with the removal of wrecks and other obstructions from tide waters, a sum not exceeding five thousand dollars.

State records.

For the arrangement and preservation of state records and papers in the department of the secretary of the Commonwealth, a sum not exceeding five thousand dollars.

Survey and map of the state.

For expenses in connection with a topographical survey and map of Massachusetts in co-operation with the United States geological survey, seven thousand six hundred and seventy-four dollars and fifty-nine cents.

Boundary lines of cities and towns.

For the determination by triangulation of the boundary lines of the cities and towns of the Commonwealth, a sum not exceeding three thousand dollars.

Moneys in hands of receivers of insolvent corporations.

For the payment of unclaimed moneys in the hands of receivers of certain insolvent corporations, after the same has been deposited in the treasury of the Commonwealth, a sum not exceeding five thousand dollars.

Public administrators.

To carry out the provisions of the act relative to the payment by the treasurer of the Commonwealth of funds

received from public administrators, a sum not exceeding four thousand dollars.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and eighty-six, the sum of three hundred dollars. Roads in Mashpee.

For weights, measures, balances and reports for sundry newly incorporated towns, a sum not exceeding two thousand four hundred dollars. Weights and measures for new towns.

For travelling and other necessary expenses of the trustees of the state primary, reform and industrial schools, a sum not exceeding one thousand two hundred dollars. Primary, reform and industrial schools.

For compensation, travelling and other necessary expenses of the state board of arbitration and conciliation, a sum not exceeding five thousand dollars. State board of arbitration, etc.

For travelling and the general expenses of the state board of health, a sum not exceeding six thousand eight hundred dollars. State board of health.

For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding ten thousand dollars. Inspection of milk, food and drugs.

The fees under section twelve of chapter sixty of the Public Statutes are hereby appropriated, to be used in accordance with the provisions of said section. Appropriation of fees.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1887.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON, MASSACHUSETTS REFORMATORY, THE REFORMATORY PRISON FOR WOMEN, AND FOR EXPENSES IN CONNECTION THEREWITH. Chap. 10

Be it enacted etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes herein specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-seven, to wit:— Appropriations.

For the payment of salaries and wages at the state prison at Boston, a sum not exceeding fifty-one thousand dollars; and for other current expenses at said institution, a sum not exceeding seventy-one thousand five hundred dollars. State prison, salaries and expenses.

Massachusetts reformatory, salaries and expenses.

For the payment of salaries and wages at the Massachusetts reformatory at Concord, a sum not exceeding fifty-seven thousand dollars; and for other current expenses at said institution, a sum not exceeding ninety-five thousand dollars.

Reformatory prison for women, salaries and expenses.

For the payment of salaries and wages at the reformatory prison for women at Sherborn, a sum not exceeding twenty-three thousand dollars; and for other current expenses at said institution, a sum not exceeding thirty-seven thousand eight hundred dollars.

Removing prisoners.

For expenses incurred in removing prisoners to and from the reformatory prison for women, a sum not exceeding two hundred dollars.

Removing prisoners.

For expenses incurred in removing prisoners to and from the Massachusetts reformatory, a sum not exceeding one thousand dollars.

Aid to convicts discharged from state prison.

For the salary of the agent for aiding convicts discharged from the state prison, one thousand dollars; and for expenses of such agent, a sum not exceeding three thousand dollars, to be used in rendering assistance to said convicts.

Discharged female convicts.

For the salary of the agent for aiding female convicts, discharged from the prisons of the Commonwealth, a sum not exceeding seven hundred dollars; and for expenses of said agent, and for assistance to said convicts, a sum not exceeding two thousand three hundred dollars.

Prisoners discharged from Massachusetts reformatory.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding three thousand dollars, to be expended by the commissioners of prisons.

Support of prisoners removed from reformatory.

For the payment of the cost of supporting prisoners removed from the reformatory prison for women, a sum not exceeding four hundred dollars.

Board of prisoners removed from Massachusetts reformatory. Commissioners of prisons.

For board of prisoners removed from the Massachusetts reformatory, a sum not exceeding four hundred dollars.

For incidental and contingent expenses of the commissioners of prisons, a sum not exceeding eight hundred dollars.

Travelling expenses.

For travelling expenses of the commissioners of prisons and of the secretary thereof, a sum not exceeding eight hundred dollars.

Arrest of fugitives from justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1887.

AN ACT TO AUTHORIZE THE PLUM ISLAND STREET RAILWAY COMPANY TO ISSUE MORTGAGE BONDS. *Chap. 11*

Be it enacted, etc., as follows:

SECTION 1. The Plum Island Street Railway Company, from time to time, by vote of a majority in interest of its stockholders, at meetings called for the purpose, may issue coupon or registered bonds to an amount not exceeding forty thousand dollars: *provided*, that the amount of bonds so issued under the provisions of this act shall at no time exceed the amount of stock actually subscribed for and paid in at par at that time; and to secure the payment thereof, with interest thereon, the said company may make a mortgage of its road and franchise and any part or all of its other property, and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value be substituted in lieu thereof.

May issue mortgage bonds.

Proviso.

SECTION 2. All bonds so issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Bonds to be approved and certified.

SECTION 3. This act shall take effect upon its passage.

Approved February 14, 1887.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SIX. *Chap. 12*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of certain expenses in excess of appropriations therefor, in the year eighteen hundred and eighty-six, to wit: —

Appropriations.

For travelling and incidental expenses of the commissioners on savings banks, two hundred and sixty-three dollars and fifty-five cents.

Commissioners, savings banks.

- Treasurer. For incidental expenses in the department of the treasurer and receiver-general, one hundred and thirty-two dollars and five cents.
- Board of agriculture. For travelling and other expenses of the members of the state board of agriculture, two hundred and two dollars and sixty-three cents.
- Term reports. For printing and binding the reports of decisions of the supreme judicial court, seven hundred and eighty-five dollars and seventy-five cents.
- Senate and house of representatives. For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, four hundred and forty-one dollars and eighty-five cents.
- Massachusetts reformatory. For the payment of current expenses at the Massachusetts reformatory at Concord, fourteen thousand four hundred and nine dollars and twenty-two cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1887.

Chap. 13 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE DISTRICT POLICE FORCE.

Be it enacted, etc., as follows:

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses of the district police force, during the year eighteen hundred and eighty-seven, to wit: —
- District police, salary of chief. For the salary of the chief of the state district police force, a sum not exceeding one thousand seven hundred dollars.
- Compensation of members. For compensation of members of the state district police force, a sum not exceeding twenty-two thousand eight hundred dollars.
- Travelling expenses. For travelling expenses actually paid by members of the state district police force, a sum not exceeding eleven thousand two hundred and fifty dollars.
- Incidental expenses. For incidental, contingent and office expenses of the chief and members of the state district police force, a sum not exceeding two thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1887.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES. *Chap. 14*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet sundry charitable expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and eighty-seven, to wit:—

STATE BOARD OF LUNACY AND CHARITY.

For travelling and other necessary expenses of the state board of lunacy and charity, a sum not exceeding one thousand six hundred dollars. Appropriations.
Board of lunacy and charity, travelling expenses.

For the salary and incidental expenses of the clerk and auditor of the state board of lunacy and charity, a sum not exceeding one thousand seven hundred dollars. Clerk and auditor.

For salaries and expenses in the department of in-door poor, a sum not exceeding twenty-five thousand five hundred dollars. In-door poor.

For salaries and expenses in the department of out-door poor, a sum not exceeding seventeen thousand five hundred dollars. Out-door poor.

For salaries and expenses in the department of the inspector of charities, a sum not exceeding nine thousand five hundred dollars. Inspector.

For salary and expenses of the agent for prosecution of certain offences, a sum not exceeding two thousand dollars. Agent.

For travelling and other necessary expenses of the auxiliary visitors of the state board of lunacy and charity, a sum not exceeding one thousand three hundred and fifty dollars. Auxiliary visitors.

MISCELLANEOUS CHARITABLE EXPENSES.

For the support and relief of state paupers in the lunatic hospitals and asylums of the Commonwealth, a sum not exceeding one hundred and forty-seven thousand dollars. State paupers in lunatic hospitals.

For the transportation of state paupers to the state almshouse, a sum not exceeding seven hundred dollars. State paupers in almshouse.

For the transportation of state paupers, a sum not exceeding fifteen thousand dollars. Transportation.

For expenses attending the management of cases of Settlement and bastardy.

settlement and bastardy, a sum not exceeding two thousand dollars.

Neglected children.

For the care and maintenance of indigent and neglected children, a sum not exceeding fifteen thousand dollars.

Infant asylums.

For the reimbursement of the infant asylums for the support of infants having no known settlement in the Commonwealth, for the present and previous years, a sum not exceeding eleven thousand dollars.

Sick state paupers.

For the support of sick state paupers by cities and towns, a sum not exceeding forty-two thousand five hundred dollars, which is made applicable for the payment of claims for the present and previous years.

Burial of state paupers.

For the burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding seven thousand five hundred dollars.

Temporary support.

For the temporary support of state paupers by cities and towns, for the present and previous years, a sum not exceeding thirteen thousand dollars.

Outside foundlings.

For the support and transportation of outside foundlings, a sum not exceeding thirteen thousand dollars.

Paupers in school for feeble-minded.

For the support of state paupers in the Massachusetts school for the feeble-minded, a sum not exceeding five thousand dollars.

Dangerous diseases.

For expenses incurred in connection with small-pox and other diseases dangerous to the public health, a sum not exceeding ten thousand dollars.

Medical examinations and inquests.

For expenses incurred in connection with medical examinations and inquests, a sum not exceeding three thousand five hundred dollars.

Johonnot annuities.

For annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand dollars.

Annuities to soldiers, etc.

For annuities to soldiers and others, authorized by the legislature, a sum not exceeding two thousand eight hundred and twenty-eight dollars.

Pensions.

For pensions, a sum not exceeding five hundred and twenty dollars.

Temporary assistance.

The sum of one thousand dollars may be expended by the board of lunacy and charity, in giving temporary assistance to persons in extraordinary cases of suffering, where the provisions made by existing laws are in their judgment deemed insufficient.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1887.

AN ACT MAKING AN APPROPRIATION FOR COMPENSATION AND EXPENSES OF THE JOINT SPECIAL COMMITTEE APPOINTED BY THE LEGISLATURE OF EIGHTEEN HUNDRED AND EIGHTY-SIX. Chap. 15

Be it enacted, etc., as follows :

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for compensation and expenses of the members of the joint special committee, appointed under an order of the legislature of the year eighteen hundred and eighty-six, to consider what changes are necessary or desirable in the judicial system, to wit : — Appropriations.

For compensation and expenses of a joint special committee of the legislature of eighteen hundred and eighty-six, a sum not exceeding two thousand two hundred and seventy-seven dollars and three cents. Expenses of committee of the legislature.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1887.

AN ACT TO AUTHORIZE THE GLOUCESTER STREET RAILWAY COMPANY TO ISSUE MORTGAGE BONDS. Chap. 16

Be it enacted, etc., as follows :

SECTION 1. The Gloucester Street Railway Company, by a vote of a majority in interest of its stockholders at a meeting called for that purpose, may issue coupon or registered bonds to an amount not exceeding sixty thousand dollars, and to secure the payment thereof, with interest thereon, the said company may make a mortgage of its road and franchise and any part or all of its other property and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value be substituted in lieu thereof. May issue mortgage bonds.

SECTION 2. All bonds so issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded. Bonds to be approved and certified.

SECTION 3. This act shall take effect upon its passage.

Approved February 14, 1887.

Chap. 17 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO EXPEND MONEY FOR MAKING COPIES OF CERTAIN RECORDS IN REGISTRIES OF DEEDS.

Be it enacted, etc., as follows:

Copies of records in registries of deeds, in Worcester county.

SECTION 1. The county commissioners of Worcester county may expend an additional sum not exceeding thirty-five hundred dollars for the purpose of making copies of records in the registries of deeds in said county according to the provisions of chapter three hundred and twenty-five of the acts of the year eighteen hundred and eighty-five.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1887.

Chap. 18 AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO ALTER AND WIDEN BEACON STREET WITHIN SAID TOWN.

Be it enacted, etc., as follows:

Selectmen of Brookline may widen Beacon street.

SECTION 1. The selectmen of the town of Brookline are hereby authorized to alter and widen Beacon street, a highway running through said town from one part of the city of Boston to another part of said city, in the same manner as if said highway were a townway; said board may also, in any such alteration and widening, change the grade of any portions of Beacon street in the same manner as if said highway were a townway; said board may also, in any such alteration and widening, discontinue any portions of Beacon street as now existing within said town; and said board may also, in any such alteration and widening of Beacon street, lay out, anywhere between the lateral boundaries of the way as widened, a bridle path for the exclusive use of persons riding upon horseback, planting spaces for trees and grass and a space for a cable railway, or other street railway, beside such sidewalks and carriage ways as said board may think fit.

Acceptance by the town.

SECTION 2. The town of Brookline shall have power, at any town meeting duly called for the purpose, to accept and establish any widening and alteration of Beacon street made, in pursuance of the preceding section, by the said board of selectmen, in the manner provided by the laws of the Commonwealth for the acceptance by towns of alterations of townways; and, upon such acceptance by said town, such alteration and

widening, together with any change of grade and discontinuance of any portion of said Beacon street made therein, shall become valid and effectual in law.

SECTION 3. The proceedings of said board and of said town, in pursuance of this act, shall be such, in all respects, as are defined by the laws of the Commonwealth, applicable to the alteration of townways, except as herein otherwise expressly provided; and said board of selectmen shall have the same right to take the property of persons for the purpose of such alteration and widening, as they now have to take such property throughout said town for the alteration of townways; and any such taking, when such alteration and widening shall have been accepted and established by the town, as hereinbefore provided, shall be valid and effectual; and any person sustaining damage in his property by reason of any such alteration and widening, or by reason of such change of grade or discontinuance of any portion of said Beacon street, shall have the same remedies for the recovery of compensation as are now provided by the laws for the compensation of persons sustaining damage in their property by the alteration of townways.

Proceedings to be governed by laws applicable to alteration of townways.

Damages.

SECTION 4. Said selectmen may, if they see fit, in making any such alteration and widening of said Beacon street, declare it to be made under the laws authorizing the assessment of betterments, in which case, after the acceptance of such alteration and widening by the town of Brookline, as hereinbefore provided, the general laws of the Commonwealth relating to betterments shall apply to such alteration and widening, in like manner as if said highway were a townway, except that the betterments on account of said alteration and widening may be assessed at any time within three years from the acceptance of such alteration and widening by the town of Brookline; and the said selectmen, at any time within the three years aforesaid, shall have the same power to assess betterments on account of such alteration and widening, including any change of grade or discontinuance of any portions of Beacon street made therein; and the said town, or its appropriate officers, at all times after the assessment of said betterments, shall have the same power to apportion, enforce and collect said betterments; and said betterments shall be a lien upon the respective estates upon which they may be assessed, exactly as if said better-

May make alterations under laws authorizing assessment of betterments.

ments, instead of being assessed as aforesaid within three years after the acceptance by said town of such alteration and widening, including any change of grade or discontinuance of any portion of Beacon street made therein, had been duly assessed within two years after a lawful alteration of a townway, duly declared to be made under the laws authorizing the assessment of betterments, and made accordingly.

Remedies for party aggrieved.

SECTION 5. Any party aggrieved by reason of the assessment of betterments upon his estate, in pursuance of this act, shall have the same remedies for his relief as if such alteration and widening, including any change of grade or discontinuance of any portion of Beacon street made therein, were a lawful alteration of a townway, duly declared to be made under the laws authorizing the assessment of betterments, and made accordingly.

Selectmen may make agreements in writing that town shall assume betterments assessed after alteration.

SECTION 6. Said selectmen, before or at the time of making said alteration and widening, or at any time thereafter, may make an agreement in writing with any person from whom land is taken, or who, in their opinion, suffers damages by reason of said alteration and widening, or by reason of any change of grade or discontinuance of any portion of said Beacon street made therein, that the town of Brookline shall assume any betterments thereafter assessed, on account of said alteration and widening, upon any lands of said person not taken therein, and such agreement shall be binding upon said town: *provided*, that such person shall, on such terms as shall be agreed upon with said selectmen, release to said town all his claims for damages, on account of such alteration and widening, including any change of grade, or discontinuance of any portion of Beacon street made therein; and *provided, further*, that all such agreements made before the acceptance of any such alteration and widening by the town, shall become void, unless such alteration and widening is accepted and established by said town.

Provisos.

Street in Brookline to become a townway.

SECTION 7. From and after the acceptance by said town of Brookline, of any such alteration and widening of said Beacon street, made by said board of selectmen in pursuance of this act, said Beacon street shall become and remain, within the limits of the town of Brookline, a townway to all intents and purposes.

SECTION 8. This act shall take effect upon its passage.

Approved February 18, 1887.

AN ACT TO AUTHORIZE THE ACUSHNET STREET RAILWAY COMPANY *Chap. 19*
OF NEW BEDFORD TO ISSUE MORTGAGE BONDS.

Be it enacted, etc., as follows :

SECTION 1. The Acushnet Street Railway Company, May issue bonds and secure by mortgage. by a vote of a majority in interest of its stockholders at a meeting called for that purpose, may issue coupon or registered bonds to an amount not exceeding fifty thousand dollars, and to secure the payment thereof, with interest thereon, the said company may make a mortgage of its road and franchise and any part or all of its other property and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value be substituted in lieu thereof.

SECTION 2. All bonds so issued shall first be approved Bonds to be approved and certified. by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1887.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 20*
AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are Appropriation. appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and eighty-seven, to wit : —

For the payment of salaries, wages and labor at the Industrial school for girls. state industrial school for girls at Lancaster, a sum not exceeding seven thousand dollars ; and for other current expenses at said institution, a sum not exceeding eleven thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1887.

Chap. 21 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE ALMSHOUSE AT TEWKSBURY.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and current expenses at the state almshouse at Tewksbury, during the year ending on the thirty-first day of December, eighteen hundred and eighty-seven, to wit:—

State almshouse
at Tewksbury.

For salaries, wages and labor at the state almshouse at Tewksbury, a sum not exceeding twenty-five thousand four hundred dollars; and for other current expenses at said institution, a sum not exceeding sixty-eight thousand six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1887.

Chap. 22 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT
THE STATE PRIMARY SCHOOL AT MONSON.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for payment of salaries and expenses at the state primary school at Monson, during the year eighteen hundred and eighty-seven, to wit:—

State primary
school at Mon-
son.

For salaries and wages at the state primary school at Monson, a sum not exceeding seventeen thousand dollars; and for current expenses at said institution, a sum not exceeding thirty-three thousand dollars; and for boarding out children, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1887.

Chap. 23 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE LYMAN SCHOOL FOR BOYS.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-seven, to wit:—

For the payment of salaries, wages and labor at the Lyman school for boys at Westborough, a sum not exceeding twelve thousand dollars; and for other current expenses at said institution, a sum not exceeding seventeen thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1887.

AN ACT TO AUTHORIZE THE APPOINTMENT OF OFFICIAL STENOGRAPHERS IN SUFFOLK COUNTY, AND TO ESTABLISH THEIR FEES.

Chap. 24

Be it enacted, etc., as follows:

SECTION 1. The judges of the superior court or a majority of them shall appoint four stenographers to serve as hereinafter provided, at the terms of said court held for civil business within and for the county of Suffolk, who shall be sworn officers of said court, and the stenographers so appointed for the first and second sessions of said court shall each receive an annual salary of two thousand dollars, and the stenographers so appointed for the third and fourth sessions of said court shall each receive an annual salary of fifteen hundred dollars, to be paid by said county; but the judges presiding therein may in their discretion direct said stenographers to serve in either of said sessions as the necessities of the service may require.

Stenographers for the superior court for civil business in Suffolk county.

SECTION 2. When, in the trial of an action in said court, both parties agree in writing that a stenographic report of the evidence, or of the charge of the presiding judge, or of any part of the proceedings, shall be taken; or when, upon the application of either party to an action, the presiding judge deems it advisable that a stenographic report of any part of the proceedings shall be taken, the stenographers so appointed shall cause full stenographic notes to be taken of such proceedings, or any part thereof which may be so required; and they shall furnish to either party, upon request, a transcript of such part of their notes as may be required, on payment of ten cents per hundred words for each copy furnished; and in case the presiding judge requires a transcript of any part of the notes taken, he may order the expenses thereof to be paid equally by the parties to the action, at the same rate, and may enforce payment thereof, and the amount so paid may be allowed to the prevailing party in the action.

Stenographic reports. Compensation.

Removal from
office. Vacan-
cies.

SECTION 3. The judges of said court or a majority of them may remove said stenographers, or either of them, at any time, and shall fill any vacancy caused by such removal or otherwise.

Repeal.

SECTION 4. Sections seventy-two, seventy-three, seventy-four and seventy-five of chapter one hundred fifty-nine of the Public Statutes, are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved February 18, 1887.

Chap. 25 AN ACT TO AUTHORIZE THE CITY OF NEWTON TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Newton Water
Loan, \$100,000.

SECTION 1. The city of Newton, for the purposes mentioned in section five of chapter three hundred and forty-four of the acts of the year eighteen hundred and seventy-two, may issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the mayor, to be denominated on the face thereof Newton Water Loan, to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by the town or city of Newton for the same purposes; said notes, bonds and scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Newton water scrip by the town of Newton: *provided*, that the whole amount of such notes, bonds and scrip issued by said town or city, together with those already authorized, shall not exceed the amount of eleven hundred and fifty thousand dollars.

Proviso.

Subject to ac-
ceptance by a
two-thirds vote.

SECTION 2. This act shall take effect upon its acceptance by a vote of two-thirds of all members of each branch of the city council of said city of Newton.

Approved February 18, 1887.

Chap. 26 AN ACT TO ESTABLISH THE SALARY OF THE THIRD CLERK IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The salary of the third clerk in the office of the secretary of the Commonwealth, beginning with the first day of January in the year eighteen hundred and

eighty-seven, shall be fifteen hundred dollars per annum, and at the same rate for any portion of a year.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1887.

AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS FOR THE SALE OF MASHPEE COMMON LANDS.

Chap. 27

Be it enacted, etc., as follows :

The amount hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of compensation and expenses of commissioners to dispose of the common lands in the town of Mashpee, authorized by chapter two hundred and ninety-three of the acts of the year eighteen hundred and seventy, to wit : —

Appropriation.

For the compensation and expenses of the commissioners appointed to dispose of the common lands in the town of Mashpee, the sum of nine hundred and ninety-seven dollars and fifty-two cents.

Commissioners to dispose of lands in Mashpee.

Approved February 18, 1887.

AN ACT MAKING APPROPRIATIONS FOR THE COMMONWEALTH'S FLATS IMPROVEMENT FUND AND FOR THE PRISON AND HOSPITAL LOAN SINKING FUND.

Chap. 28

Be it enacted, etc., as follows :

The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes herein specified, to wit : —

Appropriation.

For the Commonwealth's flats improvement fund, for the purpose of improving the Commonwealth's flats at South Boston, as authorized by chapter forty-six of the resolves of the year eighteen hundred and eighty-six, a sum not exceeding seventy-five thousand dollars.

Commonwealth's flats improvement fund.

For the prison and hospital loan sinking fund, as authorized by section thirty-six, chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four, the sum of sixty thousand dollars.

Prison and hospital loan sinking fund.

Approved February 18, 1887.

Chap. 29 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NORTH
WOBURN STREET RAILROAD COMPANY.

Be it enacted, etc., as follows:

May extend
tracks over
highways in
Medford.

SECTION 1. The North Woburn Street Railroad Company, incorporated under chapter one hundred and eight of the acts of the year eighteen hundred and sixty-six, is hereby authorized to extend its tracks upon and over such streets and highways in the town of Medford as shall be from time to time fixed and determined by the selectmen of said town, with all of the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may be hereafter in force relating to street railways.

Capital stock
and shares.

SECTION 2. The capital stock of said corporation may be increased to two hundred thousand dollars, at such times and in such sums as the stockholders may determine, to be divided into shares of one hundred dollars each.

To be in opera-
tion prior to
December 1,
1889.

SECTION 3. Said street railway shall be located, constructed and put in operation prior to the first day of December in the year eighteen hundred and eighty-nine.

SECTION 4. This act shall take effect upon its passage.

Approved February 18, 1887.

Chap. 30 AN ACT TO ESTABLISH THE SALARY OF THE SECOND CLERK IN THE
DEPARTMENT OF THE AUDITOR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The salary of the second clerk in the department of the auditor of the Commonwealth, beginning with the first day of January eighteen hundred and eighty-seven, shall be seventeen hundred dollars per annum.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1887.

Chap. 31 AN ACT TO INCORPORATE THE MASSACHUSETTS AGRICULTURAL
EXPERIMENT STATION.

Be it enacted, etc., as follows:

Massachusetts
Agricultural
Experiment
Station incor-
porated.

SECTION 1. The members of the present board of control of the agricultural experiment station, established at the Massachusetts agricultural college in the town of Amherst, their associates and successors, are hereby

made a body corporate under the name of the Massachusetts Agricultural Experiment Station, for the purpose of carrying out more fully and effectually the provisions of the act establishing said station, as set forth in chapter two hundred and twelve of the acts of the year eighteen hundred and eighty-two, and of all acts in addition to or amendment thereof.

SECTION 2. Said corporation shall be constituted as provided in sections two and four of said chapter two hundred and twelve. As provided in 1882, 212, §§ 2, 4.

SECTION 3. The duties of said corporation shall be the same as set out in sections three and five of said chapter two hundred and twelve. Duties as set out in 1882, 212, §§ 3, 5.

SECTION 4. The payments from the treasury of the Commonwealth authorized to be made to the treasurer of said board of control by section six of said chapter two hundred and twelve and section one of chapter three hundred and twenty-seven of the acts of the year eighteen hundred and eighty-five shall, in the same manner as therein provided and for the same purposes, be paid to the treasurer of the corporation hereby created. Payments from the treasury to the treasurer of the corporation.

SECTION 5. The said corporation shall by virtue of this act take and hold, as and for its property, all the property at present in the charge of said board of control, and is hereby further authorized to hold such real estate and personal property as may be necessary for its purposes. Real estate and personal property.

SECTION 6. This act shall take effect upon its passage.

Approved February 21, 1887.

AN ACT CONCERNING THE SALARY OF THE LATE GEORGE L. RUFFIN. *Chap. 32*

Be it enacted, etc., as follows: .

SECTION 1. The board of aldermen of the city of Boston acting as county commissioners are authorized to pay to the widow of George L. Ruffin, late justice of the municipal court of the Charlestown district of the city of Boston, the balance of the salary as such justice for the remainder of the year ending in May in the year eighteen hundred and eighty-seven, to which he would have been entitled had he lived and continued to be such justice during the remainder of said year. Payment to widow of George L. Ruffin.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1887.

Chap. 33 AN ACT IN RELATION TO THE RETURN DAY OF TRUSTEE WRITS
ISSUED BY TRIAL JUSTICES.

Be it enacted, etc., as follows :

Return day of
trustee writs,
issued by trial
justices.

SECTION 1. No trustee writ issued by a trial justice shall be made returnable more than thirty days after its date.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1887.

Chap. 34 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT
THE STATE WORKHOUSE AT BRIDGEWATER.

Be it enacted, etc., as follows :

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state workhouse at Bridgewater, during the year ending on the thirty-first day of December, eighteen hundred and eighty-seven, to wit:—

State work-
house at Bridge-
water.

For the payment of salaries, wages and labor at the state workhouse at Bridgewater, a sum not exceeding thirteen thousand dollars; and for other current expenses at said institution, a sum not exceeding thirty-nine thousand four hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1887.

Chap. 35 AN ACT TO INCORPORATE THE TRUSTEES OF THE BOSTON YOUNG
MEN'S CHRISTIAN ASSOCIATION.

Be it enacted, etc., as follows :

The trustees of
the Boston
Young Men's
Christian Ass-
ociation, incor-
porated.

SECTION 1. Alphens Hardy, Jacob Sleeper, Franklin W. Smith and Stephen G. Deblois, trustees under the deed of trust from the Boston Young Men's Christian Association, dated February sixth, eighteen hundred and eighty-five, and recorded in the Suffolk registry of deeds, liber sixteen hundred and sixty-nine, folio six hundred and thirty-one, and their successors in trust, are hereby made a corporation by the name of The Trustees of the Boston Young Men's Christian Association, for the purposes hereinafter set forth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities in the general laws which now are or hereafter may be in force in relation to such corporations.

Powers and
duties.

SECTION 2. Said corporation shall have authority to hold in trust and administer according to said deed the real estate therein conveyed and such other real and personal estate as may be given, granted, conveyed, bequeathed or devised to it and accepted by it for the benefit of the Boston Young Men's Christian Association, or any purpose connected therewith, to an amount not exceeding altogether five hundred thousand dollars: *provided, always*, that the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest, under the direction of said corporation.

Real and personal estate not to exceed \$500,000.

SECTION 3. The real and personal estate of said corporation shall be exempt from taxation to the same extent it would be if it were held in the name of, owned by and belonged to the said Boston Young Men's Christian Association.

Exemption from taxation.

SECTION 4. The trustees shall be subject at all times to the control of the proper courts of equity in this Commonwealth, and their successors shall be appointed as provided for in said deed.

Trustees subject to control of courts of equity.

SECTION 5. This act shall take effect upon its passage.

Approved February 25, 1887.

AN ACT RELATING TO NATURALIZATION RETURNS.

Chap. 36

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter three hundred and forty-five of the acts of the year eighteen hundred and eighty-five in relation to naturalization is amended by striking out the words "and printed" in the tenth and eleventh lines, so that the last clause of said section shall read as follows: — And the returns so made shall be kept by the secretary in form convenient for reference.

Naturalization returns.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1887.

AN ACT TO INCORPORATE THE HOME FOR AGED WOMEN IN WOBURN.

Chap. 37

Be it enacted, etc., as follows:

SECTION 1. Edward W. Hudson, John M. Harlow, John Cummings, Benjamin Hinckley, Jacob Brown, Parker L. Converse and John W. Johnson, their associates and successors, are hereby made a corporation by the name of the Home for Aged Women in Woburn, for the purpose of providing a home for and otherwise assisting

Home for Aged Women in Woburn, incorporated.

Powers and duties.

respectable aged women ; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all the general laws which now are or may hereafter be in force applicable to such corporations.

Real and personal estate not to exceed \$100,000.

SECTION 2. Said corporation may for the purposes aforesaid hold real and personal estate to an amount not exceeding one hundred thousand dollars. All interest of any member of said corporation in its property shall terminate and vest in the corporation upon his or her ceasing to be a member thereof by death, resignation, expulsion or otherwise.

SECTION 3. This act shall take effect upon its passage.

Approved February 25, 1887.

Chap. 38

AN ACT REGULATING THE SALE AND PURCHASE OF POISONS.

Be it enacted, etc., as follows :

Sale and purchase of poisons, regulated.

SECTION 1. Section six of chapter two hundred and eight of the Public Statutes is hereby amended, so as to read as follows :— *Section 6.* Whoever sells arsenic, strychnine, corrosive sublimate, prussic acid, or any other deadly poisonous substance or compound, without the written prescription of a physician, shall keep a record of the date of such sale, the name and the amount of the article sold, and the name of the person or persons to whom delivered ; which record shall at all times be open to inspection by the officers of the district police, and by the police authorities and officers of cities and towns. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever purchases deadly poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1887.

Chap. 39

AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY IN WORCESTER COUNTY.

Be it enacted, etc., as follows :

Allowance for clerical assistance.

SECTION 1. The register of probate and insolvency for the county of Worcester shall be allowed in addition to the amount now allowed by law a sum not exceeding eight hundred dollars per annum for clerical assistance

actually performed, to be paid from the treasury of the Commonwealth upon the official certificate of the judge of probate and insolvency for said county.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1887.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE STONEHAM STREET RAILROAD COMPANY.

Chap. 40

Be it enacted, etc., as follows:

SECTION 1. The Stoneham Street Railroad Company is hereby authorized to construct, maintain and use a railway, with convenient single or double track, upon and over such streets and highways in the towns of Wakefield, Reading, Everett and Revere, as shall be, from time to time, fixed and determined by the selectmen of said towns respectively.

May construct railway in Wakefield, Everett and Revere.

SECTION 2. Said company, respecting the railway hereby authorized to be constructed and maintained, shall have all the powers and privileges and shall be subject to all the duties, liabilities or restrictions set forth in chapter nineteen of the acts of the year eighteen hundred and sixty, incorporating said Stoneham Street Railroad Company, and in the general laws relating to street railway companies, except that said company shall have the right to construct its tracks upon and over public ways only.

Powers and duties.

SECTION 3. Said Stoneham Street Railroad Company is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars, in addition to the amount heretofore authorized by law, at such times and in such sums as its stockholders may determine.

May increase capital stock.

SECTION 4. The provisions of section one of this act shall become void, so far as relates to the rights of said company in either of the towns, in which said company shall have failed to locate, construct and put in operation a street railway, prior to the thirty-first day of December in the year eighteen hundred and eighty-eight.

Railway to be in operation prior to December 31, 1888.

SECTION 5. This act shall take effect upon its passage.

Approved February 25, 1887.

Chap. 41 AN ACT TO CHANGE THE NAME OF THE INTERNATIONAL EXPRESS COMPANY.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the International Express Company, incorporated under the general laws of the Commonwealth, is hereby changed to the New England Despatch Company.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1887.

Chap. 42 AN ACT TO INCORPORATE THE NEW BEDFORD SAFE DEPOSIT AND TRUST COMPANY.

Be it enacted, etc., as follows:

New Bedford Safe Deposit and Trust Company, incorporated.

SECTION 1. William D. Howland, Abbott P. Smith, George F. Tucker, Standish Bourne, Frederick Taber, Stephen A. Brownell, Gilbert D. Kingman, Savory C. Hathaway, Lot B. Bates, Benjamin F. Brownell, their associates and successors, are hereby made a corporation by the name of the New Bedford Safe Deposit and Trust Company, to be located at New Bedford, for the purpose of receiving on deposit, storage or otherwise, moneys, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt and other property of every kind, upon such terms or conditions as may be obtained or agreed upon, and at the request of the depositor of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, and for the purpose of advancing money or credits on real and personal security on terms that may be agreed upon; and all the powers and privileges necessary for the execution of this purpose are granted, subject nevertheless to the duties and restrictions and liabilities set forth in the one hundred and fifth chapter of the Public Statutes and in all the general laws which now are or hereafter may be in force in relation to such corporations.

Amount of reserve.

SECTION 2. Said corporation shall at all times have on hand as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the

aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of said corporation shall be below said per centum of such deposits it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: *provided*, that in lieu of lawful money one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth, and one-third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of said corporation. Proviso.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this state, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or property received under the provisions of this section shall be loaned or invested only in the authorized loans of the United States, or of any of the New England states, or cities or counties or towns of this state, or stocks of state or national banks organized within this Commonwealth, or in the first mortgage bonds of any railroad company incorporated by any of the New England states which has earned and paid regular dividends on its stocks for two years next preceding such loan or investment, or in the bonds of any such railroad company, unencumbered by mortgages, or in first mortgages on real estate in this Commonwealth, or in any securities in which savings banks are allowed to invest, or upon the notes with two sureties of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; but all real Courts may order moneys, etc., within their control to be deposited, etc.

Proviso.

How investments may be made.

Proviso.

estate acquired by foreclosure of mortgages or by levy of execution, shall be sold at public auction within two years after such foreclosure or levy; *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds and the investment or loans of them shall be specially appropriated to the security and payment of such deposits and not to be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department into which all business authorized by this section shall be kept separate and distinct from its general business.

Corporation may be appointed trustee.

SECTION 4. Said corporation may also be appointed trustee under any will or instrument creating a trust for the care and management of property under the same circumstances, in the same manner and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, hereafter referred to, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation by any officer thereof duly authorized by it, and the answers and examinations, under oath, of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys or to execute any trust contrary to its own desire.

Accounts, etc., may be sworn to by an officer of the corporation.

Proviso.

Moneys, etc., received under the foregoing section to be deposited in the general trust fund.

Proviso.

SECTION 5. In the management of money and property held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company referred to in section three of this act: *provided*, that it shall be

competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; *and provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

SECTION 6. No money, property or securities received or held by said company under the provisions of sections four and five of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Proviso.

Moneys, etc., received under §§ 4, 5 not to be mingled with investments of capital stock.

SECTION 7. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall at no time exceed one fifth part of such amount of the capital stock of this corporation as is actually paid up.

Limitation of liabilities to corporation.

SECTION 8. Said corporation shall semi-annually make a return to the commissioners of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said returns shall specify the following, namely: Capital stock; amount of all moneys and property in detail in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations, stating amount in each; loans on notes of individuals; loans on mortgages of real estate; cash on hand; all as existing at the date of making such returns, with the rate, amount and date of dividends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank,

Returns to commissioners of savings banks semi-annually.

Commissioners of savings banks to make examination into affairs.

Returns to be made in the form of a trial balance of books, and to be published in a newspaper.

subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Such returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of New Bedford at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners.

Subject to provisions of P. S., 13.

SECTION 9. Said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes and any acts now existing or which may hereafter be passed in amendment or lieu thereof.

To make semi-annual return to tax commissioner of personal property held in trust liable to taxation.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May, which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes, and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner, upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes, and acts in amendment thereof.

To make annual return to tax commissioner of sums deposited on interest or for investment.

SECTION 11. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the tenth and thirteenth sections of this act,

together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes, and acts in amendment thereof.

Payments into
the treasury.

SECTION 12. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held on trust or any such amounts deposited in interest or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections one, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of the Public Statutes, and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Not to be taxed
in towns where
beneficiaries
reside.

SECTION 13. Deposits with said corporation which can be withdrawn on demand or within ten days shall, for purposes of taxation, be deemed money in possession of the person to whom the same is payable.

Deposits with-
drawable on
demand to be
deemed money
in possession.

SECTION 14. The said corporation is also authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon; and may also act as trustee or financial or other agent for any person or firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans and to sell and negotiate the sale of securities, and may also act as trustee for the bondholders of corporations,

May act as
agent for issu-
ing bonds, etc.

and to this end is empowered to receive transfers of real and personal property upon such terms as may be agreed upon.

Capital stock.

SECTION 15. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding five hundred thousand dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Not to transact business until whole amount is paid in.

Real estate.

SECTION 16. Said corporation shall be entitled to purchase and hold real estate in the city of New Bedford suitable for the transaction of its business to an amount not exceeding in value forty thousand dollars; and the balance of the capital stock shall be invested only in the investments authorized by section three of this act in the case of moneys or property held in trust or on deposit.

Liability of shareholders.

SECTION 17. The shareholders of said corporation shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one inclusive, shall apply to and regulate the enforcement of this liability.

Transfer of stock.

SECTION 18. The shares of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall, for that purpose, ordain and establish, and not otherwise.

SECTION 19. This act shall take effect upon its passage.

Approved March 2, 1887.

Chap. 43 AN ACT PROVIDING FOR THE DISPOSITION OF USELESS RECORDS, SCHEDULES AND PAPERS ACCUMULATING IN THE BUREAU OF STATISTICS OF LABOR.

Be it enacted, etc., as follows:

Certain records, papers, etc., in bureau may be destroyed with consent of the governor and council.

SECTION 1. All records, schedules and papers accumulating in the bureau of statistics of labor, that may be considered of no value by the chief of said bureau, may be destroyed or sold as he may deem best: *provided*, the

authority of the governor and council shall first be obtained for such destruction or sale; and *provided, further*, that if such useless records, schedules and papers shall be disposed of by sale, the proceeds thereof shall be turned into the treasury of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1887.

AN ACT TO AMEND CHAPTER SIXTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR RELATING TO THE BOSTON PROTECTIVE DEPARTMENT. *Chap. 44*

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter sixty-one of the acts of the year eighteen hundred and seventy-four is hereby amended, by adding at the end of said section the following words:— And the said treasurer shall, on or before the fifteenth day of February in each year, forward to the auditor of the Commonwealth a written or printed statement under oath of the aggregate amount of premiums included in the returns made to him under the provisions of this section.

Sworn statement of premiums received, to be forwarded to the auditor.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1887.

AN ACT TO CHANGE THE NAME OF THE SMITH AMERICAN ORGAN COMPANY. *Chap. 45*

Be it enacted, etc., as follows:

The name of The Smith American Organ Company, a corporation organized under the general laws of the Commonwealth, is hereby changed to The Smith American Organ and Piano Company.

Name changed.

Approved March 2, 1887.

AN ACT RELATING TO SESSIONS OF THE PROBATE COURT FOR THE COUNTY OF FRANKLIN. *Chap. 46*

Be it enacted, etc., as follows:

SECTION 1. Sessions of the probate court for the county of Franklin shall be held at Orange on the fourth Tuesday of September, in addition to the times and places provided in section forty-eight of chapter one hundred and fifty-six of the Public Statutes.

Sessions of the court in Orange.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1887.

Chap. 47 AN ACT TO AUTHORIZE THE CITY LIBRARY ASSOCIATION OF SPRINGFIELD TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The City Library Association of Springfield is hereby authorized to hold real and personal estate for the purposes named in its act of incorporation, chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-four, to an amount not exceeding in the whole three hundred thousand dollars exclusive of books in its library and collections of natural history and works of art in its museum.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1887.

Chap. 48 AN ACT TO AUTHORIZE THE CITY OF MALDEN TO ISSUE ADDITIONAL WATER FUND BONDS.

Be it enacted, etc., as follows:

May issue additional water fund bonds.

SECTION 1. The city of Malden for the purposes mentioned in section three of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, and for the further purpose of establishing and maintaining high service in any part of said city deemed advisable by the city council, may issue scrip, notes or certificates of debt, to be denominated on the face thereof Malden Water Fund Bonds to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for the purposes named in said section three; said scrip, notes or certificates of debt to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Malden water fund bonds by the town of Malden: *provided*, that the whole amount of such scrip, notes or certificates of debt issued by said city and town together with those heretofore issued by said city and town for the same purposes shall not in any event exceed the sum of five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1887.

AN ACT AUTHORIZING THE CITY OF MALDEN TO DIVIDE SAID CITY INTO SEVEN WARDS, AND TO ABOLISH THE OFFICE OF ALDERMAN-AT-LARGE. *Chap. 49*

Be it enacted, etc., as follows:

SECTION 1. Sections two, three and eight of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty-one are amended to read as follows: — *Section 2.* The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one officer to be called the mayor, one council of seven to be called the board of aldermen, and one council of twenty-one to be called the common council, which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services. *Section 3.* The city council may, in the year eighteen hundred and eighty-seven, divide said city into seven wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward. The city council may, in the year eighteen hundred and ninety-two, and every fifth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters to each ward, according to the census last taken previous thereto. *Section 8.* One alderman and three common councilmen shall be chosen from and by the qualified voters of each ward of the city, and shall be residents of the wards where chosen. The said aldermen and common councilmen shall hold their offices for one year from the first Monday of January following their election, and until a majority of the new boards shall be elected and qualified.

Government and administration of the affairs of the city of Malden.

Quorum.

May be divided into seven wards.

One alderman and three councilmen from each ward.

SECTION 2. This act shall be void, unless the city council of said city of Malden, at a meeting called for that purpose, to be held within three months from the passage of this act, shall, by a vote of a majority of each branch of the city council present and voting thereon, determine to adopt the same.

Subject to acceptance by city council.

When new
division of
wards shall take
effect.

SECTION 3. Any new division of wards established under this act shall not go into effect before the tenth day of November after such division is made.

SECTION 4. This act shall take effect upon its passage.

Approved March 4, 1887.

Chap. 50 AN ACT RELATING TO LAND DAMAGES IN THE COUNTIES OF NANTUCKET AND DUKES COUNTY.

Be it enacted, etc., as follows:

Land damages
in Dukes
County and
Nantucket.

SECTION 1. Whenever land or any interest in land is taken by any town in the county of Dukes county, or Nantucket county, or by either of said counties, and any person is aggrieved by the award of damages therefor, application for a jury may be made by any such aggrieved person by petition to the superior court in the county in which the land lies or in the superior court for Bristol county, and thereupon such proceedings shall be had as is provided for in section one hundred and five of chapter forty-nine of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1887.

Chap. 51 AN ACT TO AUTHORIZE THE ENLARGEMENT OF THE COURT HOUSE AT SALEM.

Be it enacted, etc., as follows:

Court house in
Salem may be
enlarged.

SECTION 1. The county commissioners of the county of Essex are authorized to enlarge the new court house, so called, at Salem, and for said purpose may borrow on the credit of said county a sum not exceeding seventy-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1887.

Chap. 52 AN ACT IN RELATION TO THE CONSOLIDATION OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL WITH THE FITCHBURG RAILROAD COMPANY.

Be it enacted, etc., as follows:

State directors
to be appointed
by governor and
council.

SECTION 1. The governor by and with the advice and consent of the council shall annually appoint three persons to act as directors of the Fitchburg Railroad Company in conjunction with the board of directors chosen from time to time by the stockholders of said company and to serve till their successors shall be appointed: *provided, how-*

Proviso.

ever, that whenever the holding of stock in said company by the Commonwealth shall not exceed twenty thousand shares it shall be represented upon said board by two directors only, and whenever such holding shall not exceed ten thousand shares it shall be represented by one director only, and whenever such holding shall cease the Commonwealth shall cease to be represented in said board.

SECTION 2. Said company is hereby exempt from executing the mortgage provided for by the articles of consolidation entered into with the governor and council on the fifth day of January in the year one thousand eight hundred and eighty-seven, and the consolidation therein provided for is hereby confirmed and shall be and remain valid and binding notwithstanding the omission on the part of the said company to execute said mortgage.

Company exempted from executing mortgage, etc.

Consolidation confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1887.

AN ACT TO REGULATE THE DISPOSITION OF LIQUORS FORFEITED TO THE COMMONWEALTH.

Chap. 53

Be it enacted, etc., as follows:

SECTION 1. Section thirty-eight of chapter one hundred of the Public Statutes is hereby amended so as to read as follows:—Any liquor so forfeited shall, by the authority of the written order of the trial justice or court, be forwarded by common carrier to the chief of the district police, who upon receipt of the same shall notify the said justice or court thereof. Said officer shall sell the same, and after paying the cost of the transportation of the liquors he shall pay over the net proceeds to the treasurer of the Commonwealth. The officer serving the order above named shall be allowed therefor the sum of fifty cents, but shall not be entitled to receive any travelling fees or mileage on account of the service thereof.

Disposition of liquors forfeited to the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1887.

AN ACT PROVIDING FOR THE REGISTRATION AND LICENSING OF PLUMBERS IN THE CITY OF SPRINGFIELD.

Chap. 54

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield may by ordinance require the registration and licensing of all persons doing or carrying on the business of plumbing in said city, and

City of Springfield may require plumbers to be licensed.

prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, tanks, faucets, valves and other fixtures by and through which water or sewage is used and carried, and provide that no such pipes, tanks, faucets, valves or other fixtures shall be placed in any building in said city except in accordance with plans which shall be approved by the board of health of said city or such person or persons as said board of health shall designate.

Penalties.

SECTION 2. The said city may impose penalties not exceeding fifty dollars for each violation of any of the provisions contained in section one of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1887.

Chap. 55 AN ACT TO AUTHORIZE THE MOUNT HOLYOKE FEMALE SEMINARY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Real and personal estate.

The Mount Holyoke Female Seminary is authorized to hold real and personal estate to an amount not exceeding one million dollars to be devoted exclusively to the purposes of education.

Approved March 9, 1887.

Chap. 56 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN TO CONTRACT WITH THE COUNTY COMMISSIONERS OF OTHER COUNTIES IN THE COMMONWEALTH FOR THE CUSTODY AND SUPPORT OF PRISONERS.

Be it enacted, etc., as follows:

County commissioners of Franklin may contract with commissioners of other counties for the custody and support of prisoners.

SECTION 1. The county commissioners of the county of Franklin are hereby authorized to contract with the commissioners of any other county or counties in this Commonwealth for the custody and support of the inmates of the jail and house of correction in said county of Franklin, for and during such time as may be necessary to construct and furnish for occupancy the new jail and house of correction as provided for in chapter three hundred and twenty-one of the acts of the year eighteen hundred and eighty-six.

Transfer of prisoners.

SECTION 2. The sheriff of said county of Franklin is authorized and empowered to transfer such persons as are under sentence or awaiting trial to such institutions as shall be designated by the county commissioners, in the

same manner that the prison commissioners are authorized to transfer prisoners under chapter two hundred and nineteen of the Public Statutes. *Approved March 9, 1887.*

AN ACT TO ESTABLISH THE SALARY OF THE COUNTY TREASURER *Chap. 57*
OF MIDDLESEX COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The salary of the county treasurer of Middlesex county shall hereafter be twenty-five hundred dollars a year. Salary established.

SECTION 2. This act shall take effect upon its passage.
Approved March 9, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF THE *Chap. 58*
COUNTY OF BERKSHIRE.

Be it enacted, etc., as follows:

SECTION 1. From and after the first day of January in the year eighteen hundred and eighty-seven, the salary of the sheriff of Berkshire county shall be sixteen hundred dollars a year. Salary established.

SECTION 2. This act shall take effect upon its passage.
Approved March 9, 1887.

AN ACT TO INCORPORATE THE AMERICAN POMOLOGICAL SOCIETY. *Chap. 59*

Be it enacted, etc., as follows:

SECTION 1. Patrick W. Barry of Rochester, New York, Charles W. Garfield of Grand Rapids, Michigan, Benjamin G. Smith of Cambridge, Massachusetts, J. J. Thomas of Union Springs, New York, Prosper J. Berchman of Augusta, Georgia, Robert Manning of Salem, Massachusetts, their associates, the officers and members of the association known as the American Pomological Society, and their successors, are hereby made a corporation under the name of American Pomological Society, for the purpose of promoting and encouraging the culture of fruit; with all the powers and privileges and subject to all the duties and liabilities set forth in the general laws which now are or may hereafter be in force applicable to such corporations. American Pomological Society incorporated.

SECTION 2. Said corporation may for the purposes aforesaid have and hold by purchase, grant, gift or otherwise real and personal property to an amount not exceeding one hundred thousand dollars. Real and personal property.

Meetings may be held in any place or country.

SECTION 3. Said corporation may hold its annual meeting, or any special meeting, in any place, state or country it may determine, provided, that due notice shall be given to the members thereof of the time and place of said meeting.

First meeting of the corporation.

SECTION 4. Any two of the incorporators above named are hereby authorized to call the first meeting of said corporation in the month of September next ensuing by due notice thereof to each member of said association.

SECTION 5. This act shall take effect upon its passage.

Approved March 10, 1887.

Chap. 60

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FOURTEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT INCORPORATING THE TRUSTEES OF THE PUBLIC LIBRARY OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Trustees to have care and control of library and its branches.

SECTION 1. Section five of chapter one hundred and fourteen of the acts of the year eighteen hundred and seventy-eight is hereby amended so as to read as follows: — The said trustees shall have the general care and control of the central public library in said city and of all branches thereof which have been or which may hereafter be established and the fixtures connected therewith and also of the expenditures of money appropriated therefor.

Trustees to have control of construction of building.

SECTION 2. The said board of trustees shall have full power and control of the design, construction, erection and maintenance of the central public library building, to be erected in the city of Boston, and are hereby fully authorized and empowered to select and employ an architect or architects to design said building and supervise the construction and erection thereof, and a superintendent or superintendents to take charge of and approve the work; but work upon said building shall not be commenced until full general plans for the building shall have been prepared, and no specific work shall be commenced until the same shall have been duly advertised, proposals for doing such work shall have been received from responsible parties, and contracts have been entered into with satisfactory guarantees for their performance.

Semi-annual report.

SECTION 3. Said board shall semi-annually and whenever required by the mayor or city council, make and present in writing a particular report and a statement of all their acts and proceedings; and of the condition and

progress of the work on said new building in process of erection by them.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1887.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICE AND CLERK *Chap. 61*
OF THE DISTRICT COURT OF NORTHERN BERKSHIRE.

Be it enacted, etc., as follows :

SECTION 1. The salary of the justice of the district court of Northern Berkshire, beginning with the first day of January in the year eighteen hundred and eighty-seven, shall be twelve hundred dollars per annum and at the same rate for any portion of the year. Salary of justice.

SECTION 2. The salary of the clerk of the district court of Northern Berkshire, beginning with the first day of January in the year eighteen hundred and eighty-seven, shall be six hundred dollars per annum and at the same rate for any portion of the year. Salary of clerk.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1887.

AN ACT TO AMEND THE CHARTER OF THE HOUSATONIC WATER *Chap. 62*
COMPANY.

Be it enacted, etc., as follows :

SECTION 1. Chapter two hundred and sixty-two of the acts of the year eighteen hundred and eighty-four, is hereby amended by striking out the whole of section six and substituting therefor the following : — *Section 6.* The said corporation may for the purpose set forth in this act hold real estate not exceeding in amount fifteen thousand dollars ; and the whole capital stock of said corporation shall not exceed forty thousand dollars to be divided into shares of one hundred dollars each. Amendment to 1884, 262, § 6.
Real estate and shares.

SECTION 2. Section eleven is hereby amended by striking out the word “three” in the third line of said section and substituting therefor the word : — five. Amendment to 1884, 262, § 11.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1887.

Chap. 63 AN ACT RELATING TO SESSIONS OF THE PROBATE COURT FOR THE COUNTY OF PLYMOUTH.

Be it enacted, etc., as follows:

Session of probate court at Wareham.

SECTION 1. A session of the probate court for the county of Plymouth shall be held on the fourth Monday of August in each year at Wareham in said county.

Session of court at Middleborough to be discontinued.

SECTION 2. The session of said probate court now required to be held at Middleborough in said county of Plymouth on the fourth Monday of August is hereby discontinued, and all processes and matters returnable to said session at said Middleborough may be heard and acted upon at the session hereby authorized to be held at said Wareham.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1887.

Chap. 64 AN ACT TO INCORPORATE THE WEST NEWTON SAVINGS BANK IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

West Newton Savings Bank, incorporated.

SECTION 1. Austin R. Mitchell, J. Upham Smith, Fred E. Crockett, Edward W. Cate, Alfred L. Barbour, their associates and successors, are hereby made a corporation by the name of the West Newton Savings Bank, with authority to establish and maintain a savings bank at West Newton, in the city of Newton, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1887.

Chap. 65 AN ACT TO CHANGE THE NAME OF THE COTTAGE STREET METHODIST EPISCOPAL CHURCH OF CAMBRIDGEPORT.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the religious society known as The Cottage Street Methodist Episcopal Church of Cambridgeport is changed to and shall hereafter be The Grace Methodist Episcopal Church of Cambridge.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1887.

AN ACT TO INCORPORATE THE CONWAY SAVINGS BANK IN CONWAY. *Chap. 66**Be it enacted, etc., as follows :*

SECTION 1. Richard Tucker, Edward Delabarre, Carlos Batchelder, John B. Packard, William G. Avery, their associates and successors, are hereby made a corporation by the name of the Conway Savings Bank, with authority to establish and maintain a savings bank in the town of Conway, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Conway Savings Bank incorporated.

SECTION 2. This act shall take effect upon its passage.

*Approved March 10, 1887.*AN ACT TO PREVENT PERSONS FROM UNLAWFULLY USING OR WEARING THE INSIGNIA OF THE MILITARY ORDER OF THE LOYAL LEGION OF THE UNITED STATES OR OF THE GRAND ARMY OF THE REPUBLIC. *Chap. 67**Be it enacted, etc., as follows :*

Whoever shall wilfully wear or use the insignia of the Military Order of the Loyal Legion of the United States or the insignia of the Grand Army of the Republic, for the purpose of representing that he is a member of either order, unless he shall be a member of the order whose insignia he shall so wear or use, shall be punished by fine not exceeding twenty dollars, or by imprisonment in the house of correction not exceeding thirty days, or by both such fine and imprisonment. *Approved March 10, 1887.*

Insignia of certain military orders to be worn only by members.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO BORROW MONEY FOR THE COMPLETION OF THE JAIL AND HOUSE OF CORRECTION AT NEW BEDFORD. *Chap. 68**Be it enacted, etc., as follows :*

SECTION 1. The county commissioners of the county of Bristol are hereby authorized to borrow upon the credit of said county a sum not exceeding eighty thousand dollars, for the purpose of completing the work of enlarging the jail and house of correction at New Bedford, as provided by chapter one hundred and fifty-two and chapter two hundred and fifteen of the acts of the year eighteen hundred and eighty-six.

May borrow money to complete enlargement of jail, etc., at New Bedford.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1887.

Chap. 69 AN ACT TO CONFIRM AND MAKE VALID THE ORGANIZATION AND PROCEEDINGS OF THE ORTHODOX CONGREGATIONAL SOCIETY OF AYER AND TO CHANGE THE NAME OF SAID ORGANIZATION.

Be it enacted, etc., as follows:

Organization and proceedings confirmed and made valid.

SECTION 1. The organization as a corporation of the Union Orthodox Congregational Society of Groton Junction, afterwards known as the Orthodox Congregational Society of Groton Junction, and as the Orthodox Congregational Society of Ayer, which organization was originally effected under the general laws of this Commonwealth, and all gifts, devises, bequests and conveyances to said corporation of real or personal estate under either of said names or under whatsoever name the same shall have been made, and the records of said corporation under whatsoever name the same appear to be written; and all acts done and performed by its officers in their official or supposed official capacities as officers of said corporation or by its committees, are hereby fully ratified and confirmed and the same shall be taken and deemed to be good and valid in law to all intents and purposes whatsoever, and the several persons now appearing by the records of said corporation to have been chosen as officers or committees thereof at its last annual meeting are hereby authorized to perform all their respective official duties until their successors shall be chosen and qualified, and said corporation is authorized to dispose of any and all of its real and personal property by deed or deeds signed by the standing committee of said corporation they being first instructed so to do by a vote of the corporation at a meeting duly called for that purpose. Nothing in this act shall be construed to continue in force any by-law of said corporation repugnant to the laws of the Commonwealth.

Name changed.

SECTION 2. The corporate name of said society shall be The Orthodox Congregational Society in Ayer.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1887.

Chap. 70 AN ACT TO INCORPORATE THE SECOND BAPTIST CHURCH IN PALMER IN THE TOWN OF PALMER.

Be it enacted, etc., as follows:

Second Baptist Church in Palmer incorporated.

SECTION 1. Albert W. Weeks, Charles B. Fisk, Lyman Dimock, E. G. Buss, Frank L. Brooks, S. Edgerton, Freeman Smith, George H. Justin and all other

members of the Second Baptist Church in Palmer and their successors as members of such church are hereby made a corporation by the name of the Second Baptist Church in Palmer, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to religious societies.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding twenty-five thousand dollars for parochial and religious purposes.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1887.

AN ACT TO INCORPORATE THE CENTRAL CEMETERY ASSOCIATION
IN THE TOWN OF MIDDLEBOROUGH.

Chap. 71

Be it enacted, etc., as follows:

SECTION 1. Calvin D. Kingman, John C. Robinson, Nahum D. Wilber, Charles E. Leonard, Matthew H. Cushing, David A. Tucker, Eugene P. Le Baron, Josiah H. Cushing, George L. Soule, Charles F. Jones, George Shaw, William R. Caswell, William H. Whitcomb, Alden Miller, Samuel McMann, James E. McMann, Francis A. Parker and James M. Pickens, their associates and successors are hereby made a corporation by the name of the Central Cemetery Association, for the purpose of acquiring, holding, managing and perpetuating a place for the burial of the dead in the town of Middleborough, with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in general laws which now are or hereafter may be in force relating to similar corporations.

Central Cemetery Association incorporated.

SECTION 2. Said corporation may purchase, acquire, receive and hold the whole of the real estate now held and set apart by the Central Baptist Society in Middleborough as a burial ground and the whole of the real estate conveyed to said society by Moses H. Piper and Mary E. Piper, and may also hold personal estate to an amount not exceeding ten thousand dollars to be applied to objects connected with and appropriate to the purposes of said corporation in addition to any amount which may be held by it under the provisions of section six of this act.

Real and personal estate.

SECTION 3. The Central Baptist Society in Middleborough is hereby authorized, whenever said corporation shall be duly organized, to release and convey to said

Society in Middleborough may convey real estate held as a burial ground.

corporation for such consideration and upon such terms as may be agreed upon by a deed executed by the treasurer of said society in its behalf, the whole of the real estate now held and set apart by said society as a burial ground for the dead, and the whole of the land conveyed to said society by Moses H. Piper and Mary E. Piper: *provided*, that a majority of the qualified voters of said society present and voting shall vote so to do at a meeting duly warned or called for that purpose. And said society is hereby authorized to transfer and deliver to said corporation when duly organized the whole of the personal estate held by it for cemetery purposes, the same to be applied by said corporation to the purposes set forth in section five of this act relative to the net proceeds of sales of lots.

Proviso.

Proprietors of lots to become members of corporation.

SECTION 4. All persons who shall become proprietors of lots in any lands acquired by said corporation, and all persons who shall be proprietors of lots whether by deed or otherwise in the real estate mentioned in section three of this act at the time when the release and conveyance therein authorized shall be made to said corporation, shall be and become members of said corporation, and whenever any person shall cease to be the proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

Proceeds of sales of lots.

SECTION 5. All the net proceeds of sales of lots in the lands held by said corporation shall be forever devoted and applied to the preservation, improvement, embellishment, protection and enlargement of said cemetery and the incidental expenses thereof and to no other purpose.

May take donations, etc., upon trust, for improvement, etc., of cemetery.

SECTION 6. Said corporation is hereby authorized to take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof for the improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form consistent with the purposes for which said corporation is established, according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest or any deposit of money shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation or embellish-

ment of such lot and the erections thereon, the said corporation may give to such proprietor or his representative an agreement or obligation in such form and upon such conditions as it may establish, binding said corporation and its successors to preserve and keep in repair said lot forever or for such period as may be agreed upon.

SECTION 7. The officers of said corporation shall consist of five trustees, a treasurer and a clerk, who shall be elected at the annual meeting of said corporation, a president to be elected annually by the trustees from their number, and such subordinate officers as may be provided for by the by-laws. Said treasurer and clerk shall each be elected for one year and until his successor is elected and qualified. Said trustees shall be elected one each year for the term of five years: *provided, however*, that at the first election the terms shall be respectively one, two, three, four and five years. Said trustees shall have the general management, care and superintendence of the property, expenditures, business and affairs of said corporation and of the sales of lots in said cemetery and shall make a report of their doings to the corporation at its annual meeting. The treasurer shall give such bonds as the trustees direct. In case of a vacancy in said board of trustees, or in the office of treasurer or clerk, by death, resignation, removal or otherwise, such vacancy may be filled for the unexpired term at any annual or special meeting of the corporation.

Officers of the corporation.

Treasurer to give bond.

SECTION 8. The annual meeting of said corporation shall be held on the first Wednesday of April in each year at such place in said town of Middleborough as the trustees shall direct. Notice of annual and special meetings shall be published two successive weeks in some newspaper published in the town of Middleborough, the last publication to be at least three days before such meeting. At all meetings of said corporation a quorum for business shall consist of not less than ten persons, and all questions shall be decided by a majority of the members present or represented who may vote either in person or by proxy.

Annual meeting.

Quorum.

SECTION 9. This act shall take effect upon its passage so far as to authorize said corporation to hold a meeting at which an organization shall be effected by the election by ballot of a temporary president, treasurer and clerk, who shall be authorized to negotiate with said society for a conveyance to said corporation of the whole or any part

Temporary officers to be elected at first meeting.

of the real estate mentioned in sections two and three of this act, and to receive such conveyance, but shall not take effect for any other than the foregoing purposes until such conveyance shall have been executed and delivered by said society to said corporation. Notice of the time, place and purpose of said meeting shall be given in writing by any two of the three corporators first named to each of the others at least three days before said meeting. As soon as said conveyance shall have been made and delivered as aforesaid, said temporary president, treasurer and clerk shall call a meeting of the proprietors of lots in said real estate who shall at said meeting elect by ballot the officers mentioned in section seven. If said meeting shall be held on any other day than that hereinbefore prescribed for the annual meeting, all officers elected shall hold their respective offices for the full terms to which they may be severally elected, reckoning however as one year the time intervening between the date of said first meeting and the annual meeting next ensuing. Said first meeting shall be called by a notice of the time, place and purpose thereof published two weeks successively in some newspaper published in said Middleborough, the last publication to be at least three days before said meeting.

Election of permanent officers.

Notice of first meeting to be published in a newspaper in Middleborough.

Approved March 15, 1887.

Chap. 72 AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF THE PROBATE COURT FOR THE COUNTY OF NORFOLK.

Be it enacted, etc., as follows:

Salary of judge.

SECTION 1. The judge of the probate court for the county of Norfolk shall receive an annual salary of twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1887.

Chap. 73 AN ACT TO INCORPORATE THE JUNCTION WATER COMPANY OF PITTSFIELD.

Be it enacted, etc., as follows:

Junction Water Company incorporated.

SECTION 1. William S. Noble, Emory H. Nash, James H. Butler, Robert A. Rice, George B. Benton, E. R. Morse and Henry Noble and their associates and successors are hereby made a corporation by the name of the Junction Water Company, for the purpose of furnishing the inhabitants of the easterly part of the town of

Pittsfield and of the southwesterly part of Dalton, and the Boston and Albany Railroad Company, with water for the extinguishment of fires, for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. The said corporation for the purpose aforesaid may take, by purchase or otherwise, and hold the water of the Benton Brooks, so called, in the town of Dalton, and the waters which flow into and from the same; and may purchase other water sources, and may take, by purchase or otherwise, and hold all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to, into and through said easterly part of Pittsfield and southwesterly part of Dalton; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under and over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take the water of the Benton Brooks in Dalton.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

To cause to be recorded in the registry of deeds a description of the land taken.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking

Damages

of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

No application for assessment to be made until water is diverted.

SECTION 5. The said corporation may distribute the water through the said easterly part of Pittsfield and southwesterly part of Dalton; may regulate the use of said water, and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or any other town or city, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by such town, city, fire district, individual or corporation, and said corporation.

Real estate, capital stock and shares.

SECTION 6. The said corporation may for the purposes set forth in this act, hold real estate not exceeding in amount twenty-five thousand dollars; and the whole capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for corrupting water or for injuring property.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 8. The said town of Pittsfield shall have the right at any time to purchase of said corporation its franchise, corporate property and all its rights, powers and privileges, at a price which may be mutually agreed upon between said town and said corporation, and said corporation is authorized to make sale of the same to said town. If said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of said town and notice to the other party, whose award, when accepted by said court shall be binding upon all parties. The right to purchase aforesaid is granted on condition that the same be authorized by a two-thirds vote of the voters of said town present and voting thereon at a meeting called for that purpose.

Town of Pittsfield may purchase franchise and property.

Subject to acceptance by a two-thirds vote.

SECTION 9. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon and use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

May be required to give security for payment of damages and costs.

SECTION 10. This act shall take effect upon its passage.

Approved March 15, 1887.

AN ACT RELATING TO THE FEES OF OFFICIAL STENOGRAPHERS.

Chap. 74

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and ninety-one of the acts of the year eighteen hundred and eighty-five is hereby amended by striking out the word "seven" in the fifth line thereof and inserting in lieu thereof the word: — nine.

Fees of stenographers. Amendment to 1885, 291, § 1.

Amendment to
1885, 291, § 2.

SECTION 2. Section two of said chapter is hereby amended by striking out the word "seven" in the twelfth line thereof and inserting in lieu thereof the word: — ten.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1887.

Chap. 75 AN ACT TO AUTHORIZE THE PERKINS INSTITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND TO HOLD ADDITIONAL ESTATE FOR THE PURPOSE OF A KINDERGARTEN FOR THE BLIND.

Be it enacted, etc., as follows:

Kindergarten
for the Blind.

SECTION 1. The Perkins Institution and Massachusetts School for the Blind is authorized to establish and maintain a primary school for the education of little children, by the name of Kindergarten for the Blind, and to hold for this purpose, real and personal estate to an amount not exceeding two hundred and seventy-five thousand dollars in addition to the amount it is now authorized to hold.

Real and per-
sonal estate.

Trustees of cor-
poration to have
charge, etc.

SECTION 2. The said kindergarten for the blind shall be under the direction and management of the board of trustees of said corporation.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1887.

Chap. 76 AN ACT TO AMEND THE CHARTER OF THE SPRINGFIELD STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Charter
amended.

SECTION 1. The Springfield Street Railway Company is hereby authorized to construct, maintain and use a railway with convenient single and double track upon and over such streets and highways in the town of West Springfield and the city of Springfield as shall be, from time to time, fixed and determined by the selectmen and board of aldermen of said places respectively.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1887.

Chap. 77 AN ACT TO AUTHORIZE THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold addi-
tional real and
personal estate.

SECTION 1. The New England Hospital for Women and Children is hereby authorized and empowered to hold real estate not exceeding in value two hundred and fifty

thousand dollars, and personal property not exceeding in value two hundred and fifty thousand dollars, instead of the amounts of real estate and personal property authorized by its act of incorporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1887.

AN ACT CONCERNING THE SALARY OF THE LATE DANIEL A. McCARTY. *Chap. 78*

Be it enacted, etc., as follows:

SECTION 1. The board of aldermen of the city of Boston, acting as county commissioners, are authorized to pay to the widow of Daniel A. McCarty, late an officer in attendance upon the supreme judicial court holden in said city of Boston, the balance of the salary as such officer for the year eighteen hundred and eighty-six, to which he would have been entitled had he lived and continued to be such officer during the remainder of said year; but no part thereof shall be paid by the Commonwealth.

Salary may be paid to widow.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1887.

AN ACT AUTHORIZING AN INCREASE OF THE CAPITAL STOCK OF THE MILFORD WATER COMPANY. *Chap. 79*

Be it enacted, etc., as follows:

The Milford Water Company is hereby authorized to increase its capital stock to the sum of two hundred thousand dollars: *provided*, that no certificate be issued or any of said new stock sold at less than its par value.

May increase capital stock.

Approved March 15, 1887.

AN ACT TO AMEND AN ACT TO INCORPORATE THE HOLLISTON WATER COMPANY. *Chap. 80*

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter one hundred and six of the acts of the year eighteen hundred and eighty-four, entitled An Act to incorporate the Holliston Water Company, are hereby extended for the period of three years from and after the twenty-sixth day of March in the year eighteen hundred and eighty-seven.

Time extended for commencement of work, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1887.

Chap. 81 AN ACT TO INCORPORATE THE WALTHAM FIREMEN'S RELIEF ASSOCIATION.

Be it enacted, etc., as follows:

Waltham Firemen's Relief Association, incorporated.

SECTION 1. Charles H. Parks, Edgar A. Emerson, Emory H. Brower, Freeman C. Hodgdon, Robert Johnson, Atwood J. Jackson, Walter B. Lucas, Fred W. Walker, Fred R. Eaton, John R. Hutchinson, R. Meinhard Roesger, their associates and successors, are hereby made a corporation by the name of the Waltham Firemen's Relief Association, for the purpose of furnishing aid and assistance to such firemen as may be sick or in need, or who shall have been injured while in the performance of their duty; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations; and for the purposes aforesaid said corporation may hold real and personal property not exceeding ten thousand dollars in value.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1887.

Chap. 82 AN ACT TO AMEND THE CHARTER OF THE STERLING CAMP MEETING ASSOCIATION.

Be it enacted, etc., as follows:

Charter amended.

SECTION 1. Chapter one hundred and seventeen of the acts of the year eighteen hundred and fifty-six is hereby amended by inserting the word: — twenty, — before the word "five" in the eighth line of section two, and by striking out the whole of section three and substituting therefor the following: — The number of trustees of the aforesaid association shall be ten who shall be members of the Methodist Episcopal Church. They shall be elected at the first annual meeting, after the passage of this act, of the preachers and tent masters or tent delegates in the following manner: two shall be elected to hold their office for one year; two for two years; two for three years; two for four years, and two for five years. After the first annual meeting two trustees shall be elected each year to hold office for the term of five years. All vacancies shall be filled by the preachers and tent masters or tent delegates at the annual meeting. Six of the trustees shall constitute a quorum for the transaction of business.

Election of trustees.

Vacancies.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE EXECUTIVE CLERK OF THE GOVERNOR AND COUNCIL. *Chap. 83*

Be it enacted, etc., as follows:

SECTION 1. The annual salary of the executive clerk of the governor and council shall be seventeen hundred dollars, from the first day of January in the year eighteen hundred and eighty-seven. Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1887.

AN ACT TO AUTHORIZE THE CITY OF LYNN TO BORROW MONEY FOR THE PURPOSE OF BUILDING DRAINS AND SEWERS. *Chap. 84*

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn for the purpose of building sewers and drains may raise by borrowing from time to time a sum of money not exceeding one hundred thousand dollars, and for this purpose may issue from time to time bonds, notes or scrip not exceeding said amount. Such bonds, notes and scrip shall bear on their face the words City of Lynn Sewer Loan, act of 1887, and shall be payable at the expiration of periods not exceeding twenty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the mayor and treasurer of said city. The said city may sell such securities at public or private sale or pledge the same for money borrowed for the purpose of building sewers or drains, upon such terms and conditions as it may deem proper. The said city shall provide at the time of contracting said loan for the establishment of a sinking fund and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose; and said city shall raise annually by taxation a sum sufficient to pay the interest as it accrues on said bonds, notes and scrip. May borrow money for building sewers and drains.

Sinking fund.

SECTION 2. This act shall take effect upon its acceptance by the city council within one year from its passage. Subject to acceptance by city council.

Approved March 16, 1887.

Chap. 85 AN ACT TO INCORPORATE THE B. M. C. DURFEE SAFE DEPOSIT AND TRUST COMPANY.

Be it enacted, etc., as follows :

B. M. C. Durfee
Safe Deposit and
Trust Company.

SECTION 1. John S. Brayton, Edward L. Anthony, Thomas E. Brayton, James M. Morton. David A. Brayton, Jr., Andrew J. Borden, Hezekiah A. Brayton and M. B. Young, their associates and successors, are made a corporation by the name of the B. M. C. Durfee Safe Deposit and Trust Company, to be located at Fall River, for the purpose of receiving on deposit, storage or otherwise, moneys, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, upon such terms or conditions as may be obtained or agreed upon, and at the request of the depositor of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, and for the purpose of advancing money or credits on real and personal security, on terms that may be agreed upon; and all the powers and privileges necessary for the execution of this purpose are granted, subject nevertheless to the duties and restrictions and liabilities set forth in the one hundred and fifth chapter of the Public Statutes and in all the general laws which now are or hereafter may be in force in relation to such corporations.

Reserve.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below said per centum of such deposits, it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: *provided*, that in lieu of lawful money one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth, and one-third of said fifteen per centum may

consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this state, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or property received under the provisions of this section shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or cities or counties or towns of this state, or stocks of state or national banks organized within this Commonwealth, or in the first mortgage bonds of any railroad company incorporated by any of the New England states which has earned and paid regular dividends on its stocks for two years next preceding such loan or investment, or in the bonds of any such railroad company unencumbered by mortgages, or in first mortgages on real estate in this Commonwealth, or in any securities in which savings banks are allowed to invest, or upon notes, with two sureties, of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgages or by levy of execution, shall be sold at public auction within two years after such foreclosure or levy; *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, and the investment or loans of them, shall be specially appropriated to the security and payment of such deposits and not to be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso said corporation

Court may order money within its control to be here deposited.

Proviso.

Loans and Investments.

Real estate acquired by foreclosure, etc., to be sold at auction within two years.

Trust department.

shall have a trust department into which all business authorized by this section shall be kept separate and distinct from its general business.

May be appointed trustee.

SECTION 4. Said corporation may also be appointed trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, hereafter referred to, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation by any officer thereof duly authorized by it, and the answers and examinations, under oath, of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys, or to execute any trust contrary to its own desire.

Investment of trust property.

SECTION 5. In the management of money and property held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company referred to in section three of this act: *provided*, that it shall be competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

Provisos.

Trust money, etc., not to be mingled with investments of capital stock.

SECTION 6. No money, property or securities received or held by said company under the provisions of sections four and five of this act shall be mingled with the investments of the capital stock, or other moneys or property

belonging to said corporation, or be liable for the debts or obligations thereof.

SECTION 7. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall at no time exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up and one-tenth part of its deposits. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

Limit of liability of borrowers.

SECTION 8. Said corporation shall semi-annually make a return to the commissioners of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said returns shall specify the following, namely: Capital stock; amount of all moneys and property in detail in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgages of real estate; cash on hand; all as existing at the date of making such returns, with the rate, amount and date of dividends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Such returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind,

To make semi-annual return to commissioners of savings banks.

Commissioners to have access to books, papers, etc.

Returns to be published in a newspaper in Fall River.

in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of Fall River at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners.

Subject to provisions of P. S. 13.

SECTION 9. Said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes, and any acts now existing or which may hereafter be passed in amendment or lieu thereof.

To make annual return to the tax commissioner of personal property held in trust liable to taxation.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

To make annual return to tax commissioner of sums deposited on interest or for investment.

SECTION 11. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the tenth and thirteenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Said corporation shall annually pay to the treasurer of

the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

SECTION 12. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held on trust or any such amounts deposited in interest or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections one, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of the Public Statutes and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Not to be taxed in towns where beneficiaries reside.

SECTION 13. Deposits with said corporation, which can be withdrawn on demand, shall, for purposes of taxation, be deemed money in possession of the person to whom the same is payable on demand or within ten days.

Deposits withdrawable on demand, etc., taxable as money in possession.

SECTION 14. The said corporation is also authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon, and may also act as trustee or financial or other agent for any person or firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans and to sell and negotiate the sale of securities, and may also act as trustee for the bondholders of corporations, and to this end is empowered to receive transfers of real and personal property upon such terms as may be agreed upon.

May act as agent for issuing and registering bonds, etc.

SECTION 15. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding

Capital stock \$100,000; may be increased to \$500,000.

five hundred thousand dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Real estate in
Fall River.

SECTION 16. Said corporation shall be entitled to purchase and hold real estate in the city of Fall River suitable for the transaction of its business, to an amount not exceeding in value forty thousand dollars; and the balance of the capital stock shall be invested only in the investments authorized by section three of this act in the case of moneys or property held in trust or on deposit.

Liability of
shareholders.

SECTION 17. The shareholders of said corporation shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one inclusive, shall apply to and regulate the enforcement of this liability.

Shares assign-
able and trans-
ferable.

SECTION 18. The shares of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall, for that purpose, ordain and establish, and not otherwise.

SECTION 19. This act shall take effect upon its passage.

Approved March 16, 1887.

Chap. 86

AN ACT IN RELATION TO THE ASSESSMENT OF TAXES.

Be it enacted, etc., as follows:

Assessors to
deposit copy in
secretary's office
on or before
October 1 an-
nually.

SECTION 1. Section fifty-four of chapter eleven of the Public Statutes as amended is hereby amended so as to read as follows: — The assessors shall fill up the table of aggregates by an enumeration of the necessary items included in the lists of valuation and assessments required by law, and shall on or before the first day of October in each year deposit in the office of the secretary of the Commonwealth an attested copy of the same, containing, — First. The number of persons assessed, specifying the number assessed for a tax on property and the number

assessed for a poll tax only. Second. The number of polls, specifying the number of male polls and the number of female polls. Third. The tax on each poll, male or female. Fourth. The value of personal estate, specifying the value of the same excluding resident bank stock and the value of resident bank stock. Fifth. The value of real estate, specifying the value of buildings exclusive of land and of land exclusive of buildings. Sixth. The total valuation of the city or town. Seventh. The tax for state, county and city or town purposes including overlays, specifying the amount assessed on personal estate, on real estate and on polls. Eighth. The rate of total tax per one thousand dollars. Ninth. The amount as valued for assessment, of money at interest, and other debts due the persons assessed more than they are indebted or pay interest for, specifying the amount secured by mortgage and the amount unsecured. Tenth. The amount of money on hand, including deposits taxable, as valued for assessment. Eleventh. The amount of public stocks and securities, as valued for assessment. Twelfth. The amount of stocks in corporations without the state, as valued for assessment. Thirteenth. The number of horses assessed. Fourteenth. The number of cows assessed. Fifteenth. The number of sheep assessed. Sixteenth. The number of neat cattle, other than cows, assessed. Seventeenth. The number of swine assessed. Eighteenth. The number of dwelling houses assessed. Nineteenth. The number of acres of land assessed: *provided*, that in the case of the city of Boston said copy may be deposited in the office of the secretary on or before the first day of November in each year.

Copy from
Boston to be
deposited on or
before Novem-
ber 1.

SECTION 2. The blank forms of the tables of aggregates provided for by section fifty-two of said chapter shall be so changed as to include the items provided for by the foregoing section.

Forms of tables
to be changed.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1887.

AN ACT CONCERNING THE KEEPING OF ACCOUNTS IN SUNDRY STATE INSTITUTIONS. *Chap. 87*

Be it enacted, etc., as follows:

SECTION 1. The accounts of all state institutions, penal and charitable, and all other public institutions, for the support of which appropriations are made annually

Accounts to be
kept under di-
rection of the
auditor.

by the legislature, shall be kept at such institution, under the direction of the auditor of the Commonwealth.

Auditor to prescribe form of analytical, etc., accounts.

SECTION 2. The auditor shall prescribe the number and form of all analytical or subsidiary accounts, which shall be made from the accounts of record kept at each institution, and such accounts shall also show the expenditures thereon, and the estimated cash value of the products of that department of the institution, whether sold or devoted to the use of the institution, and also as nearly as may be the value of the labor of the inmates entering into such production.

Accounts to be uniform.

SECTION 3. All accounts or records now required by law to be kept shall continue to be so kept, but the accounts of all said institutions shall be as nearly uniform as the character of the institutions will permit.

To be posted so that footings will show facts to date.

SECTION 4. The accounts shall be posted so that the footings shall at any time show the condition and facts up to that date, excepting that no inventory shall be required, other than is now provided by law.

Expenditure of money to carry act into effect.

SECTION 5. The auditor is hereby authorized to make such expenditure of money as may be necessary to carry out the provisions of this act. *Approved March 16, 1887.*

Chap. 88 AN ACT TO ANNEX MUSKEGET ISLAND AND GRAVELLY ISLANDS TO NANTUCKET COUNTY.

Be it enacted, etc., as follows:

Muskeget and Gravelly islands annexed to Nantucket.

SECTION 1. All that territory known as Muskeget island and Gravelly islands is hereby annexed to and made a part of the town and county of Nantucket.

Assessment and collection of taxes.

SECTION 2. The estates within the territory above described and the owners of such estates shall be holden to pay all taxes legally assessed thereon by the town of Edgartown, and all taxes heretofore assessed and not collected shall be collected and paid to the town of Edgartown, in the same manner as if this act had not been passed. *Approved March 16, 1887.*

Chap. 89 AN ACT RELATING TO CORPORATIONS ORGANIZED FOR THE PURPOSE OF LETTING VAULTS, SAFES AND OTHER RECEPTACLES.

Be it enacted, etc., as follows:

Contents of box to be stored in vaults if rent is unpaid for two years.

SECTION 1. When the amount due for the rent or use of any box or safe in the vaults of any corporation organized under the laws of this Commonwealth for purpose of letting vaults, safes and other receptacles s

not have been paid for two years, such corporation may cause to be mailed, postpaid, to the person in whose name such safe or box stands upon the books of such corporation and at his address as stated on said books, a notice in writing stating that if the amount then due for the use or rent of such safe or box shall not be paid within sixty days from the date of such notice such corporation will cause such safe or box to be opened in the presence of its president, treasurer or superintendent, and of a notary public, and the contents thereof, if any, to be sealed up in a package and placed in one of the storage vaults of such corporation. If upon the expiration of said sixty days from the date of such notice, such person shall have failed to pay the amount due for the use or rent of such safe or box in full up to the date of such notice, then all right of such person in such safe or box and of access thereto shall cease, and such corporation may in the presence of its president, treasurer or superintendent and of a notary public not an officer or in the general employ of such corporation, cause such safe or box to be opened, and such notary public shall remove the contents thereof, make a list of the same and shall seal up such contents in a package and shall mark thereon the name of such person in whose name such safe or box stood on the books of such corporation and his address as stated on said books and such package shall in the presence of said notary public and of said president, treasurer or superintendent be placed in one of the storage vaults of such corporation; and the proceedings of such notary public including said list of the contents of said safe or box and his estimate of the total value of said contents shall be set forth by him in his own handwriting and under his official seal in a book to be kept by such corporation for the purpose. The officer of such corporation who sent said written notice shall in the same book state in writing his proceedings relating thereto, setting forth a copy of said notice. Both said statements shall be sworn to by such notary public and officer respectively before a justice of the peace, who shall make certificate thereof in said book; and said written statements shall be *prima facie* evidence of the facts therein set forth in all proceedings at law and in equity wherein evidence of such facts would be competent.

Notice to be given in writing.

Contents to be removed by a notary public.

Statements to be sworn to.

Rights of corporation not impaired.

SECTION 2. Nothing contained in this act shall affect or impair any right relating to such safes, boxes or their contents which any such corporation would now or hereafter have if this act had not been passed.

Approved March 18, 1887.

Chap. 90 AN ACT TO CHANGE THE NAME OF THE CENTRAL METHODIST EPISCOPAL CHURCH OF SPRINGFIELD, AND TO CONFIRM ACTS DONE BY SAID CHURCH.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Central Methodist Episcopal Church of Springfield, a religious society incorporated under the general laws of the Commonwealth in the year eighteen hundred and sixty-nine, is changed to the Grace Methodist Episcopal Church of Springfield; and all acts done by said society under any name other than the legal name of said society are hereby ratified and made valid to the same extent as though done under the legal name of said society.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1887.

Chap. 91 AN ACT TO AUTHORIZE CERTAIN STREET RAILWAY COMPANIES IN NEW BEDFORD TO LEASE, PURCHASE OR SELL THE RIGHTS AND FRANCHISES OF, AND TO UNITE AND CONSOLIDATE WITH, EACH OTHER.

Be it enacted, etc., as follows:

Street railway companies in New Bedford may consolidate.

SECTION 1. Each of the street railway companies now or hereafter authorized to run cars in or into the city of New Bedford may lease or sell, and may purchase and hold the whole or any part of the property, rights and franchises of, and may unite and consolidate with, any or all of the other said street railway companies, and may increase its capital stock so far as may be necessary to carry into effect the provisions of this act, subject to all general laws applicable to such increase; but such sales, leases, purchases and consolidations shall be only upon such terms and conditions as shall be approved by a majority in interest of the stockholders of each corporation, at meetings called for that purpose, and by the board of railroad commissioners; and the corporations so uniting, selling, purchasing or leasing shall in every instance constitute one corporation, under such corporate

name not in use by any other street railway company, as shall be approved in the manner and at the meetings aforesaid; and every corporation formed as aforesaid shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property and estates which at the time of such unions, sale, purchase or lease shall be had, held, possessed or enjoyed by the corporations so uniting, selling, purchasing or leasing, or either of them; and shall be subject to all the duties, restrictions and liabilities to which they, or either of them, shall be subject, and to all general laws then or thereafter in force relating to street railway companies.

SECTION 2. Said consolidated company may, by a majority in interest of its stockholders at a meeting called for that purpose, issue coupon or registered bonds to an amount not exceeding two hundred and fifty thousand dollars, and to secure the payment thereof with interest thereon the said company may make a mortgage of its road and franchise and any part or all of its other property, and may include in such mortgage, property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value be substituted in lieu thereof.

Consolidated company may issue bonds, and secure by mortgage of franchise and property.

SECTION 3. All bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Bonds to be approved and certified.

SECTION 4. Upon the complaint in writing of not less than ten persons residing upon the route of such consolidated corporation, that such corporation is not furnishing to the public sufficient travelling accommodations, the board of railroad commissioners shall investigate such complaint, and may, after due notice and hearing, order such corporation to furnish such additional accommodation as, in the opinion of said board, the public travel may require; and said board may also, after due notice and hearing, revise and regulate the fares established by such consolidated corporation; and all orders made by said board under this section may be enforced in the

Complaints of insufficient accommodation to be investigated by the commissioners.

manner provided in section sixty-three of chapter one hundred and thirteen of the Public Statutes.

Action by companies to be taken within two years.

SECTION 5. This act shall take effect upon its passage, but shall become void unless said street railway companies mentioned in section one of this act shall take advantage of the provisions of said section one within two years from the passage of this act. *Approved March 18, 1887.*

Chap. 92 AN ACT TO AUTHORIZE THE CHILDREN'S HOSPITAL IN BOSTON TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Real and personal estate not to exceed \$500,000.

SECTION 1. The Children's Hospital in Boston, incorporated by chapter forty-four of the acts of the year eighteen hundred and sixty-nine, is hereby authorized to hold real and personal estate to an amount not exceeding five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage. *Approved March 18, 1887.*

Chap. 93 AN ACT TO AUTHORIZE THE TOWN OF CONCORD TO ISSUE ADDITIONAL WATER BONDS.

Be it enacted, etc., as follows:

Town may issue additional water bonds.

SECTION 1. The town of Concord, for the purposes mentioned in section four of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, may issue notes, bonds or scrip to be denominated on the face thereof Concord Water Loan, to an amount not exceeding twenty-five thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Concord water loan by said town: *provided*, the whole amount of such notes, bonds and scrip issued by said town shall not exceed the amount of one hundred and fifty thousand dollars.

SECTION 2. The town of Concord shall issue no bonds, notes or scrip under this act unless the issuing of the same is authorized by a majority vote of the voters of said town present and voting thereon at any legal town meeting called for the purpose.

SECTION 3. This act shall take effect upon its passage. *Approved March 18, 1887.*

AN ACT REGULATING THE SALE OF DRESSED POULTRY.

Chap. 94

Be it enacted, etc., as follows :

SECTION 1. No poultry, except it be alive, shall be sold or exposed for sale until it has been properly dressed, by the removal of the crop and entrails when containing food.

Sale of poultry regulated.

SECTION 2. Whoever knowingly sells or exposes for sale poultry contrary to the provisions of section one of this act shall be punished by a fine of not less than five nor more than fifty dollars for each offence. The boards of health in the several cities and towns shall cause the provisions of this act to be enforced in their respective cities and towns.

Penalty.

Boards of health to see that act is enforced.

SECTION 3. This act shall take effect upon its passage ; chapter two hundred and thirty of the acts of the year eighteen hundred and eighty-three is hereby repealed.

Repeal.

Approved March 18, 1887.

AN ACT TO AMEND AN ACT TO INCORPORATE THE HASSANAMISCO WATER COMPANY.

Chap. 95

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter two hundred and eleven of the acts of the year eighteen hundred and eighty-six is hereby amended by striking out the word "Hassanamisco" and inserting in its place the word :— Grafton, — so that the corporate name shall hereafter be The Grafton Water Company.

The Grafton Water Company, name established.

SECTION 2. Section two of said chapter is hereby amended by striking out these words, viz. :— "The said coporation for the purposes aforesaid, may take by purchase or otherwise, and hold the water of George or Misco brook, so called, within the limits of the town of Grafton, and the water rights connected therewith," and inserting in their place these words, viz. :— The said corporation may take by purchase and not otherwise, and may hold and convey through the town of Grafton or any part thereof the water, so far as may be necessary for such purposes, of any well or wells, spring or springs, stream or streams, or pond or ponds, within said town of Grafton.

May purchase water in Grafton.

SECTION 3. Section six of said chapter is hereby amended by striking out the word "thirty" in the fourth line, and inserting in its place the word :— sixty-five, — so that it shall read :— and the whole capital stock of

Capital stock and shares.

said corporation shall not exceed sixty-five thousand dollars, to be divided into shares of one hundred dollars each.

May issue bonds, etc., not exceeding \$90,000.

SECTION 4. Section nine of said chapter is hereby amended by striking out the word "thirty" in the sixth line, and inserting in its place the word: — ninety, — so that it shall read: — The said town or such fire district may for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate ninety thousand dollars.

SECTION 5. This act shall take effect upon its passage.

Approved March 18, 1887.

Chap. 96

AN ACT RELATING TO THE TAKING OF SCALLOPS.

Be it enacted, etc., as follows:

Scallops not to be taken between April 1 and October 1.

SECTION 1. Whoever at any time between the first day of April and the first day of October shall take scallops from any of the waters of the state by dredging, or by nets of any kind, or shall expose any scallops for sale within the state, or shall export the same, shall be punished by a fine not exceeding twenty dollars for each offence.

Taking of seed scallops prohibited.

SECTION 2. The taking of seed scallops from any of the waters of the state by dredging or by nets of any kind is hereby prohibited; and whoever shall be convicted of taking such scallops for purposes of sale within the state, or shall export the same, shall be punished by a fine not exceeding twenty dollars for each offence; but a person taking such scallop and returning it alive to the waters from which it was taken shall not be subject to such penalty.

Repeal.

SECTION 3. Section four of chapter two hundred and twenty of the acts of the year eighteen hundred and eighty-five is hereby repealed.

Approved March 18, 1887.

Chap. 97

AN ACT TO ESTABLISH THE SALARY OF THE DISTRICT ATTORNEY FOR THE WESTERN DISTRICT.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The salary of the district attorney for the western district, beginning with the first Wednesday of

January in the year eighteen hundred and eighty-seven, shall be twenty-one hundred dollars per annum and at the same rate for any portion of a year.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1887.

AN ACT RELATING TO WRECKS AND SHIPWRECKED GOODS.

Chap. 98

Be it enacted, etc., as follows:

SECTION 1. The governor with the advice and consent of the council may appoint commissioners of wrecks and shipwrecked goods for the Commonwealth, who shall be removable at the pleasure of the governor and council. No person shall receive a commission or exercise the office of commissioner until he has given to the treasurer of the Commonwealth a bond, with two sureties to be approved by the governor and council, in the penal sum of three thousand dollars for the faithful performance of the duties of his office. Every person having a claim against such commissioner for a breach or neglect of his official duty may have a remedy therefor by a suit on his bond to be prosecuted in the name of the treasurer of the Commonwealth.

Commissioners of wrecks, etc., to be appointed.

To give bond.

SECTION 2. When a surety on the bond of such commissioner desires to be relieved from liability thereon he shall give a written notice of such desire to such commissioner and to the governor and council. The notice to such commissioner shall be served by an officer authorized to serve civil process who shall forward forthwith a certified copy of the notice with his return thereon to the governor and council; and at the end of thirty days from the time of such service the liability of such surety for the subsequent acts of such commissioner shall cease. On the receipt of such notice by the governor and council they shall require a new bond to be given by such commissioner within said thirty days; and a failure so to furnish such bond shall render his commission void.

Surety on bond may be relieved from liability.

SECTION 3. Every commissioner on receiving information of a shipwreck, or of the finding of shipwrecked goods or property of any kind on any of the shores or waters of the Commonwealth, or that have been brought thereto, shall, if the same are of the value of one hundred dollars or more, and may, if the same are of the value of less than one hundred dollars, immediately repair to the place where such property or goods are, and if the same

General powers and duties.

are not in the custody of an owner, agent or other such commissioner shall, if the same are of the value of one hundred dollars or more, and may, if the same are of the value of less than one hundred dollars, take charge thereof, and preserve and secure the same for the owner.

May employ persons to assist in preserving property, may appoint guards, etc.

SECTION 4. The commissioner in such case may employ as many persons as he deems necessary to assist in preserving the property, may appoint guards to secure the same, and may suppress all tumults and disorders. Whoever disobeys a lawful order of the commissioner shall forfeit for every such offence a sum not exceeding ten dollars, to be recovered in an action of tort in the name of the commissioner, to the use of the city or town.

To take inventory of property and make oath to it.

SECTION 5. The commissioner shall on every such occasion take an inventory of all the property that comes to his possession; and when required by the owner thereof or his agent, or by an insurance company or underwriter or other person interested therein, shall make oath to the truth of such inventory, and deliver a copy thereof if required, together with all said property, to the owner, agent or other person lawfully authorized to receive it; but there shall first be paid, or secured to be paid, to the commissioner a reasonable compensation for his services and expenses, and such custom house duties and other charges as he has paid or become liable to pay upon or for the property in question.

Compensation.

If sum due is not agreed upon, arbitrators to determine.

SECTION 6. If the commissioner and other party do not agree on the sum so due to the commissioner, the case may be submitted to arbitrators in the manner provided in chapter one hundred and eighty-eight of the Public Statutes; and all the proceedings therein shall be conducted as provided in that chapter.

To be determined by an action at law, if arbitrators are not appointed.

SECTION 7. If the parties do not agree to submit the case to arbitrators, it may be decided in an action at law, to be commenced and prosecuted as the circumstances may require, unless the same is a matter within the exclusive jurisdiction of the courts of the United States.

Pay for securing property before arrival of commissioner.

SECTION 8. No owner or other person interested in such property shall be held to pay to any person, other than one of said commissioners, any charge for services or expenses in taking or securing the same, unless for property taken or secured before the arrival of a commissioner; in which case the commissioner shall, upon hearing all parties interested, determine the compensation

to be received as aforesaid, and from his award in writing there shall be no appeal, unless the whole sum so demanded exceeds fifty dollars, in which case an appeal shall lie to the superior court by either party aggrieved by the doings of the commissioner; and the court shall in a summary manner hear and determine the case, and may issue all processes necessary or proper to carry into effect its decrees and orders therein.

SECTION 9. Whoever, after the arrival of the commissioner, takes, detains or intermeddles with any property shipwrecked or found as aforesaid, except under the directions of the commissioner, or of the owner, agent or other person interested, shall forfeit a sum not exceeding one thousand dollars for each offence, to be recovered in an action of tort by the commissioner, owner, agent or other person interested, to his own use.

Penalty on person taking, etc., property, after arrival of commissioner.

SECTION 10. The commissioner, as soon as may be after his arrival at the place where any wreck or goods are found, shall publish the particulars of the shipwreck and goods, with such other material facts as he ascertains, in order that knowledge thereof may be given as soon as possible to the owner, agent or persons interested; and if he neglects so to do, he shall forfeit fifty dollars, to be recovered in an action of tort by the owner, agent or other person interested, to his own use.

Commissioner to publish particulars of shipwreck and goods.

SECTION 11. He may, within thirty days after taking the same into his custody, dispose of so much of the property by public auction as shall be sufficient to pay all duties which he has paid thereon or for which he has become liable to the custom house.

May sell sufficient property to pay duties.

SECTION 12. When such property is of a perishable nature, or is damaged, or liable to be much reduced in value by keeping, or cannot be kept without great and disproportionate expense, and no owner or agent appears, it may be sold at public sale at the discretion of the commissioner in charge thereof. In all other cases such property or goods shall, if no owner, agent or other person interested therein appears to claim the same, be retained for the period of one year, when, if no such owner, agent or other person interested therein appears to claim the same, it shall be sold at public auction to the best advantage, after notice duly advertised in some public newspaper published within the county where the property is: *provided, however,* that so much of any of such property

May sell perishable property at public sale.

Property to be retained one year, if no person makes claim.

Proviso.

or goods as is necessary to raise the amount of the expenses incurred thereon may be sold at public auction, after notice as aforesaid, at the expiration of three months.

If ownership is not established, net proceeds to be paid into state treasury.

SECTION 13. Every commissioner who sells property or goods under the preceding section, if no owner, agent or other person interested therein establishes his claim thereto, shall within sixty days after such sale render to the treasurer of the Commonwealth a sworn detailed statement of the sales, with an account of all moneys paid by him for duties and the expenses incurred thereon; and shall pay to the treasurer the balance of such account, for the use of the Commonwealth.

Compensation of commissioner.

SECTION 14. The treasurer may make the commissioner such compensation for services and expenses as shall be just; to be ascertained in case of disagreement between them, in the manner before provided for the adjustment of the like question between the commissioner and the owner of the property.

Suit to be commenced, if commissioner fails to account with the treasurer.

SECTION 15. If a commissioner for the space of sixty days after the expiration of the time hereinbefore limited for his accounting with the treasurer neglects to present the account provided for by section thirteen, and to pay and deliver the balance due thereon, the treasurer shall cause a suit to be commenced therefor for the use of the Commonwealth, and shall prosecute the same to final judgment and execution.

Repeal of P. S. 97.
1885, 341.

SECTION 16. Chapter ninety-seven of the Public Statutes and chapter three hundred and forty-one of the acts of the year eighteen hundred and eighty-five are hereby repealed.

Persons now holding commissions to continue in office.

SECTION 17. All persons now holding commissions as commissioners of wrecks and shipwrecked goods shall continue to hold such commissions, notwithstanding the repeal of the heretofore existing laws as herein provided, and such commissioners shall be commissioners for the Commonwealth, and shall have all the powers and authority given by this act to commissioners appointed hereunder.

SECTION 18. This act shall take effect upon its passage.

Approved March 21, 1887.

AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO PROVIDE *Chap. 99*
 FOR SURFACE DRAINAGE AND TO IMPROVE THE BROOKS AND
 NATURAL STREAMS WITHIN THE LIMITS OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Brookline, for the purpose of surface drainage, may, within the limits of said town, improve the brooks and natural streams flowing in or through said town, by widening the same, removing obstructions in or over the same, diverting the water, altering the courses or deepening the channels thereof; and the more effectually to make said improvements may take land, in fee simple or otherwise, not exceeding four rods in width, on either side of the present channels of any such brook or natural stream, or for new channels into which said waters or any surface waters may be diverted, within the limits of said town.

Selectmen may improve brooks, etc., for purpose of surface drainage.

SECTION 2. When land is taken by virtue of the preceding section, the proceedings shall be the same as in the laying out of townways.

Land to be taken as in laying out highways.

SECTION 3. Damages occasioned by the making of said improvements shall be ascertained and recovered as in the laying out of townways.

Damages.

SECTION 4. At any time within two years after any brook or natural stream in said town is improved, in any of the ways mentioned in the first section of this act, under an order declaring the same to be done under the provisions of law authorizing the assessment of betterments, if, in the opinion of the board of officers of said town authorized to lay out ways therein, any real estate in said town, including that, if any, a part of which is taken therefor, receives any benefit or advantage therefrom beyond the general advantages to all real estate in said town, such board may determine the value of said benefit and advantage to such real estate, and may assess upon the same a proportional share of the expense of making such improvement; but no such assessment shall exceed one-half of such adjudged benefit and advantage, nor shall the same be made until the work of making such improvement is completed; and all laws now or hereafter in force in relation to the assessment and collection of betterments in the case of the laying out, altering, widening, grading or discontinuing of townways shall, so far as the same are applicable and not inconsistent with the pro-

Assessment of betterments.

visions of this act, apply to the doings of said town and its officers under this act; and all persons upon whose estates betterments shall be assessed under the provisions of this act, who are aggrieved thereby, shall have the same remedies as are now or may hereafter be provided by law for the cases of persons aggrieved by the assessment or levy of betterments in the laying out of townways.

SECTION 5. This act shall take effect upon its passage so far as to allow said town to vote upon the acceptance thereof, but shall not take full effect until it shall have been accepted at a legal town meeting held in said town.

Approved March 21, 1887.

Not to take full effect until accepted by the town.

Chap. 100 AN ACT TO AUTHORIZE THE AMES MANUFACTURING COMPANY TO ISSUE PREFERRED STOCK, AND TO CHANGE THE PAR VALUE OF ITS SHARES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying its bonded debt and of providing a cash working capital, the Ames Manufacturing Company, incorporated by chapter thirty-one of the acts of the year eighteen hundred and thirty-four, is authorized to issue not to exceed twenty-five hundred shares of the par value of one hundred dollars each, of preferred stock, upon which dividends from actual net profits only shall be made of not to exceed six per centum per annum payable semi-annually; and all further net profits in each year shall go to the common stockholders.

SECTION 2. No share of said preferred stock shall be issued for less than the par value of one hundred dollars, but payment for such shares may be made in bonds of said company now outstanding, at par, or in cash; and such stock shall be issued only for the purpose of paying debts of said corporation, and of providing an adequate working capital therefor, and the time and manner of issuing such stock shall be determined by the directors of said corporation.

SECTION 3. Before issuing such preferred stock said corporation shall reduce its common stock capital, by calling in and cancelling common stock to the like amount of two hundred and fifty thousand dollars, which reduction of its common stock capital is hereby authorized, and upon such reduction all proceedings in said company's acceptance of chapter one hundred and twenty-eight of

May issue shares of preferred stock.

Payment for shares.

Common stock capital to be reduced.

the acts of the year eighteen hundred and eighty-two, and for the increase of its capital under said act, shall be deemed valid: *provided*, that nothing herein contained shall affect the claim or remedy of any present creditor of said company, or of any who may become its creditors before such reduction of stock is made. Proviso.

SECTION 4. Said company may change the par value of its shares remaining after such reduction, from five hundred dollars to one hundred dollars, issuing to each stockholder five shares of one hundred dollars each for each share of the par value of five hundred dollars remaining after the reduction herein provided for of said company's capital stock; and each holder of the common stock after such reduction and change of par value shall be entitled to subscribe for and take at its par value one share of preferred stock for each share of common stock then held by him. May change par value of shares.

SECTION 5. In case of the winding up of the affairs of said corporation, its assets remaining after the payment of its other liabilities shall be divided pro rata to the holders of the preferred stock to an amount not exceeding the par value of the shares; and the surplus of said assets shall be divided pro rata among the other stockholders. Division of assets, in case of winding up of affairs.

SECTION 6. This act shall not take effect until the same shall have been accepted by a vote representing at least three-fourths of all the stock of said corporation, at a stockholders' meeting duly called for that purpose; or without such vote, until the written assent thereto of the holders of not less than three-fourths of all the stock shall have been obtained. Subject to acceptance by three-fourths vote.

Approved March 21, 1887.

AN ACT IN RELATION TO THE ISSUE OF BONDS FOR THE ERECTION OF THE COURT HOUSE FOR THE COUNTY OF SUFFOLK AND THE EXPENDITURE OF THE PROCEEDS THEREOF.

Chap. 101

Be it enacted, etc., as follows:

SECTION 1. Upon the request of the commissioners appointed by the mayor of the city of Boston in relation to the erection of a court house for the county of Suffolk, it shall be the duty of said city from time to time to issue and negotiate the bonds or certificates of indebtedness described in section five of chapter three hundred and seventy-seven of the acts of the year eighteen hundred and eighty-five to an amount not exceeding two and one- City to issue bonds not to exceed \$2,500,000.

half millions of dollars in addition to the cost of the land. The commissioners may in their discretion expend the amount of the proceeds of said bonds for the purchase of land already taken but not paid for, and for the erection and furnishing of said court house, but they shall not expend or contract to expend more than said amount, unless such excess of expenditure shall first have been authorized by the city council of Boston.

Not to be reckoned within the limit of indebtedness.

SECTION 2. Neither the indebtedness incurred under this act nor the expenditures and taxation necessary to meet the interest on and the principal of said indebtedness shall be reckoned or included in determining the authorized limit of indebtedness or rate of taxation of the city of Boston under the provisions of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-five.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1887.

Chap. 102

AN ACT TO AMEND THE ACT INCORPORATING THE PROPRIETORS OF BOSTON PIER OR THE LONG WHARF AND THE ACT AMENDATORY THEREOF.

Be it enacted, etc., as follows:

May determine by its by-laws the number to constitute a quorum.

The Proprietors of Boston Pier or the Long Wharf may, at any meeting called for the purpose and properly notified, at which the number of proprietors required by the existing charter are present in person or by proxy, determine by its by-laws what number of stockholders shall thereafter attend at any meeting, either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting, to constitute a quorum for the transaction of business.

Approved March 21, 1887.

Chap. 103

AN ACT TO SECURE PROPER SANITARY PROVISIONS IN FACTORIES AND WORKSHOPS.

Be it enacted, etc., as follows:

Factories and workshops to be kept in a cleanly state.

SECTION 1. Every person employing five or more persons in a factory, or employing children, young persons or women five or more in number in a workshop, shall keep such factory or workshop in a cleanly state and free from effluvia arising from any drain, privy or other nuisance.

SECTION 2. Every person employing five or more persons in a factory, or employing children, young persons or women five or more in number in a workshop, shall provide, within reasonable access, a sufficient number of proper water-closets, earth-closets or privies for the reasonable use of all persons so employed; and wherever male and female persons are employed in the same factory or workshop, a sufficient number of separate and distinct water-closets, earth-closets or privies shall be provided for the use of each sex and shall be plainly designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

Sufficient number of water-closets to be provided.

SECTION 3. When it appears to an inspector of factories that any act, neglect or default in relation to any drain, water-closet, earth-closet, privy, ash-pit, water supply, nuisance or other matter in a factory or in a workshop included under section one of this act, is punishable or remediable under chapter eighty of the Public Statutes, or under any law of the Commonwealth relating to the preservation of the public health, but not under this act, such inspector shall give notice in writing of such act, neglect or default to the board of health of the city or town within which such factory or workshop is situate, and it shall thereupon be the duty of such board of health to make enquiry into the subject of the notice, and to take such action thereon in the way of enforcing any provision of law within its authority as the facts may call for.

Inspector of factories to notify the board of health of any neglect or default.

SECTION 4. Any person violating any provision of sections one and two of this act shall be punished by fine not exceeding one hundred dollars; but no criminal prosecution shall be made for such violation until four weeks after notice in writing by an inspector of factories of the changes necessary to be made to comply with the provisions of said sections has been sent by mail or delivered to such person, nor then if in the meantime such changes have been made in accordance with such notification. A notice shall be deemed a sufficient notice under this section to all the members of a firm or to a corporation, when given to one member of such firm, or to the clerk, cashier, secretary, agent or any other officer having charge of the business of such corporation or to its attorney: and in the case of a foreign corporation notice to the officer having the charge of such factory or work-

Penalties.

Notice to be given to persons in default.

shop shall be sufficient; and such officer shall be personally liable for the amount of any fine in case a judgment against the corporation is returned unsatisfied.

Expressions
defined.

SECTION 5. The following expressions used in this act shall have the following meanings: —

The expression “ person ” means any individual, corporation, partnership, company or association.

The expression “ child ” means a person under the age of fourteen years.

The expression “ young person ” means a person of the age of fourteen years and under the age of eighteen years.

The expression “ woman ” means a woman of eighteen years of age and upwards.

The expression “ factory ” means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on.

The expression “ workshop ” means any premises, room or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade or for purposes of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control: *provided, however,* that the exercise of such manual labor in a private house or private room by the family dwelling therein, or by any of them, or in case a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

The aforesaid expressions shall have the meanings above defined for them respectively in all laws of this Commonwealth relating to the employment of labor, whether heretofore or hereafter enacted, unless a different meaning is plainly required by the context.

SECTION 6. This act shall take effect upon its passage.

Approved March 24, 1887.

AN ACT TO AUTHORIZI THE DEDHAM WATER COMPANY AND THE JAMAICA POND AQUEDUCT CORPORATION TO CONSOLIDATE OR TO SELL WATER TO EACH OTHER. Chap.104

Be it enacted, etc., as follows:

SECTION 1. The Dedham Water Company and the Jamaica Pond Aqueduct Corporation, at meetings of their respective corporations called for the purpose, may, within two years from the passage of this act, by vote of a majority in number and in interest of the stockholders of each of said corporations who may be present and voting at said meetings respectively, agree to unite and consolidate the said corporations under the name of Union Water Company, upon such terms as may be mutually satisfactory, and such votes so passed by said corporations shall be effectual to unite and consolidate said corporations, and thereafter all the franchises and property, rights, easements, privileges and powers granted to or held by said Dedham Water Company or said Jamaica Pond Aqueduct Corporation shall be held and enjoyed by said Union Water Company in as full and ample a manner as if they had been at first granted directly to said last named corporation, and said Union Water Company shall thereafter be subject to all the duties, obligations, liabilities and restrictions to which either of said component corporations may have been subject in severalty at the time of union, and all proceedings, suits at law or in equity which may be pending, to which either component corporation shall be a party may be prosecuted or defended by the Union Water Company in like manner and with the same effect as if such union had not been made. All claims, contracts, rights and causes of action of or against either component corporation at law or in equity, may be enforced by suit or action to be begun and prosecuted by or against the corporation formed as aforesaid under the name of the Union Water Company. And said component corporations shall continue corporations for the purpose of prosecuting or defending any suit or proceeding at law or in equity, or otherwise, now pending. After the passage of said votes, said Union Water Company shall have the right to use, for any of its customers, water from the sources from which said component corporations are now authorized to take water, but not to an

The Dedham Water Company and the Jamaica Pond Aqueduct Corporation may unite under name of Union Water Company.

extent beyond the limits of the charters of said component corporations respectively.

Meeting for organization.

SECTION 2. The first meeting of the Union Water Company, for organization, shall be called by the presidents of the component corporations or either of them, and seven days' notice of such meeting shall be given by publication in one newspaper in the city of Boston and in one newspaper in the town of Dedham; and at the meeting persons holding stock in either of the component corporations shall be entitled to vote upon such terms as have been previously agreed upon between such corporations. After the organization of said Union Water Company each of the component corporations shall continue for the purpose of perfecting said union, and doing all such acts and things, if any, as may be necessary therefor, and shall execute all such transfers, assignments and conveyances as the Union Water Company may deem necessary or expedient to vest in itself any property, estates, contracts, rights or claims, if any there be, which do not vest in it by virtue or authority of this act.

Union Water Company may issue new stock, if union is made.

SECTION 3. In case said union is made, the Union Water Company may issue new stock in lieu of the capital stocks of its component corporations, but its whole capital stock shall not exceed the authorized capitals of said component corporations; said new stock may be issued to stockholders of the component corporations upon such terms as may be mutually approved, and in order to equalize fractions of shares the Union Water Company may, if it elects, buy shares or fractions of shares from, or sell the same to, said stockholders upon such terms as the parties may approve, at not less than par. Said Union Water Company may at any time issue bonds to an amount not exceeding its capital stock.

May issue bonds.

Dedham Water Company may sell water to the Aqueduct Corporation.

SECTION 4. The Dedham Water Company may at any time sell to the Jamaica Pond Aqueduct Corporation, from the water which said Dedham Water Company is authorized to use, a supply of water for distribution by said Jamaica Pond Aqueduct Corporation to its customers.

SECTION 5. Nothing in this act contained shall affect or limit the rights of the town of Dedham, under chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-six, as amended by chapter twelve of the acts of the year eighteen hundred and eighty-two, to purchase the franchises and property of the

Dedham Water Company from it, or from the Union Water Company, but if said town of Dedham shall so purchase said franchises and property, it shall thereafter have the right to sell to the Jamaica Pond Aqueduct Corporation, or to the Union Water Company, from the water which it shall be authorized to use, a supply of water for distribution by said Jamaica Pond Aqueduct Corporation or said Union Water Company to its customers. This act shall give no right to any party to discharge water into Jamaica Pond.

SECTION 6. This act shall take effect on the first day of June in the year eighteen hundred and eighty-seven.

To take effect June 1, 1887.

Approved March 24, 1887.

AN ACT TO PROTECT THE FISHERIES IN THE TRIBUTARIES OF PLUM ISLAND BAY. Chap.105

Be it enacted, etc., as follows:

SECTION 1. No seine or net of any kind having a mesh of less than two and one-half inches shall be used in the waters of the tributaries of Plum island bay.

Size of mesh regulated.

SECTION 2. The catching of smelts in the waters mentioned in section one between the fourteenth day of February and the first day of June is hereby prohibited, and whoever sells or offers or exposes for sale or has in his possession a smelt so taken in these waters within said season shall be subject to the same penalties as are provided in section fifty-seven of chapter ninety-one of the Public Statutes.

Smelts not to be taken between February 14 and June 1.

SECTION 3. Whoever violates the provisions of section one of this act shall be subject to a fine of not less than five dollars or more than twenty dollars for each offence.

Penalty.

SECTION 4. One-half of the penalty collected under this act shall be paid to the person or persons making the complaint and the remainder to the Commonwealth.

One-half to complainant, the remainder to Commonwealth.

Approved March 24, 1887.

AN ACT TO AUTHORIZE THE TOWN OF WHITMAN TO TAKE BY PURCHASE A CERTAIN LOT OF LAND ADJOINING ITS PUBLIC PARK FOR THE PURPOSE OF ENLARGING SAID PARK. Chap.106

Be it enacted, etc., as follows:

SECTION 1. The town of Whitman may at any time within one year from the passage of this act take by purchase for the purpose of enlarging its public park, known

May purchase land for enlarging its park.

Description of
land.

as Whitman park, all or any part of the land in said town adjoining said park and bounded as follows : — Beginning at the southeast corner of the premises on Whitman avenue and at the southwest corner of land of Edward Y. Perry ; thence north seven degrees east about two hundred and one-half feet by said land of said Perry to said Whitman park ; thence by said park south eighty-four degrees forty minutes west five hundred and fifty-three feet to said park ; thence by said park south forty degrees thirty minutes east one hundred feet to said Whitman avenue ; thence by said Whitman avenue north eighty-four degrees forty-five minutes east one hundred and fifty feet ; thence by said avenue south eighty-seven degrees fifteen minutes east three hundred and seventy-six feet to the first-named bound.

May raise
money for the
purpose.

SECTION 2. Said town may raise and expend such a sum of money as may be necessary for the purchase of said addition to said park, subject to the law limiting municipal indebtedness.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1887.

Chap.107 AN ACT TO CHANGE THE NAME OF THE SAINT JOHN BAPTIST ASSOCIATION OF HOLYOKE.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The name of “The Saint John Baptist Association of Holyoke”, a corporation established under the laws of the Commonwealth, is hereby changed to La Société Saint Jean-Baptiste de la Ville de Holyoke.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1887.

Chap.108 AN ACT TO CHANGE THE NAME OF THE GRACE METHODIST EPISCOPAL FREE CHURCH OF WORCESTER.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The Grace Methodist Episcopal Free Church of Worcester, a religious society organized under the general laws of the Commonwealth, shall hereafter be known and called The Grace Methodist Episcopal Church of Worcester.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1887.

AN ACT TO CHANGE THE NAME OF THE FIRST SOCIETY OF THE NEW
JERUSALEM CHURCH IN THE TOWN OF NORTH BRIDGEWATER AND
TO AUTHORIZE THE SAME TO HOLD ADDITIONAL REAL ESTATE. *Chap.109*

Be it enacted, etc., as follows:

SECTION 1. The name of the First Society of the New Jerusalem Church in the town of North Bridgewater, a religious society incorporated by chapter eighty-six of the acts of the year eighteen hundred and thirty-two, is hereby changed to The Brockton Society of the New Jerusalem Church. Name changed.

SECTION 2. Said society is hereby authorized to hold real and personal property to an amount which, with the amount it is already authorized to hold, shall not exceed seventy-five thousand dollars: *provided*, that no portion of said property leased for business purposes shall be exempt from taxation. Real and personal estate not to exceed \$75,000.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1887.

AN ACT IN RELATION TO THE ACCOUNTS OF COLLECTORS OF
TAXES. *Chap.110*

Be it enacted, etc., as follows:

SECTION 1. Every collector of taxes shall keep proper books of account, including a cash book in which he shall enter as they are received all sums paid to such collector. To keep proper books of account.

SECTION 2. Such cash book shall show against the name of every person or corporation paying any money to such collector the total amount so received from such person or corporation, specifying in relation to such receipts the following particulars so far as the same may be respectively applicable:— (1) Poll tax: (2) Tax assessed on personal property: (3) Tax assessed on real estate: (4) Discount allowed: (5) Interest on such taxes: (6) Abatements: and shall also show the date and amount of every payment and disbursement made by such collector and to whom paid, together with such other matters as any city or town may require. Cash book to show against name of every person, etc., total amount paid, specifying certain particulars.

SECTION 3. All books kept by any collector of taxes by virtue of this act or of any other provision of law shall be furnished at the expense and be the property of the city or town in which such collector holds office, and shall Books to be open to examination by authorized officers.

at all reasonable times be open to examination by the auditor or auditors of such city or town or any other officers or agents authorized by such city or town to make examination thereof.

Warrant, etc.,
to be returned
within the time
ordered by
assessors.

SECTION 4. Every collector of taxes shall make return of his warrant with his tax list and of his doings thereon within such time as the assessors shall order in said warrant.
Approved March 24, 1887.

Chap. 111 AN ACT TO REPEAL CHAPTER TWO HUNDRED AND EIGHTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FOUR RELATING TO THE PROTECTION OF GAME IN THE PONDS KNOWN AS COCKEAST OR DAVOL'S POND AND RICHMOND'S POND.

Be it enacted, etc., as follows:

Repeal of 1884,
282.

SECTION 1. Chapter two hundred and eighty-two of the acts of the year eighteen hundred and eighty-four entitled "An Act for the protection of game in the ponds known as Cockeast or Davol's pond and Richmond's pond situated between the Westport river and the Rhode Island boundary line," is hereby repealed.

SECTION 2. This act shall take effect upon its passage.
Approved March 24, 1887.

Chap. 112 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF COURTS FOR THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The clerk of courts for the county of Dukes county shall hereafter receive an annual salary of six hundred dollars.

Repeal.

SECTION 2. All existing provisions of law in reference to the salary of said clerk and his right to fees received by him are hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved March 24, 1887.

Chap. 113 AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO INVEST IN THE BONDS AND NOTES OF THE FITCHBURG RAILROAD COMPANY.

Be it enacted, etc., as follows:

May invest in
bonds, etc., of
the Fitchburg
Railroad Com-
pany.

SECTION 1. Savings banks and institutions for savings may invest in the bonds and notes of the Fitchburg Railroad Company issued according to law.

SECTION 2. This act shall take effect upon its passage.
Approved March 24, 1887.

AN ACT RELATING TO THE WATER SUPPLY OF THE CITY OF NEW BEDFORD. *Chap.114*

Be it enacted, etc., as follows :

SECTION 1. In taking and using the waters of Little Quittacus pond, as provided for in chapter one hundred and forty of the acts of the year eighteen hundred and seventy-eight, the city of New Bedford shall not be liable to pay any other damages than the state itself would be legally liable to pay. Limit of liability for damages.

SECTION 2. Said waters may be directed by said city into its storing reservoir in the town of Acushnet, or in the conduit therefrom or to both of the same as it may be deemed from time to time desirable; and said city shall have power to take and hold by purchase or otherwise lands, and to build and maintain conduits to such ends, and also such lands on each side of such conduits as may be deemed necessary or prudent, not exceeding two and one-half rods on either side, and may from time to time take and hold, by purchase or otherwise, such land or lands around the margin of said pond, not exceeding five rods in width, as may be deemed necessary for the preservation, control and purity of the waters thereof; and the method of condemning lands shall be as provided in said chapter one hundred and forty of the acts of the year eighteen hundred and seventy-eight. Water may be directed to storing reservoir in Acushnet.

SECTION 3. Any provisions of law so far as they are inconsistent herewith are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1887.

AN ACT TO CHANGE THE NAME OF THE LYNN KNIGHTS OF LABOR CO-OPERATIVE BOOT AND SHOE COMPANY. *Chap.115*

Be it enacted, etc., as follows :

SECTION 1. The name of the Lynn Knights of Labor Co-operative Boot and Shoe Company, a corporation organized under the general laws of the Commonwealth, is hereby changed to the Globe Co-operative Shoe Company. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1887.

Chap.116 AN ACT TO FIX THE COMPENSATION OF THE DOORKEEPERS, ASSISTANT DOORKEEPERS, POSTMASTER, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Be it enacted, etc., as follows:

Salaries of doorkeepers.

SECTION 1. The doorkeepers of the senate and house of representatives shall each receive a salary of fourteen hundred dollars a year.

Compensation of messengers, etc.

SECTION 2. Each messenger of the senate and house shall receive the sum of seven hundred and fifty dollars in full for all services required of them at the regular annual session of the legislature, and the assistant doorkeepers and postmaster shall receive the same compensation as the messengers, and one hundred dollars each in addition for the regular annual session of the legislature.

Compensation of pages.

SECTION 3. The compensation of the pages of the senate and house shall be three-fifths of the amount allowed the messengers for the regular annual session.

To apply to the current annual session.

SECTION 4. This act shall apply to the current annual session and shall take effect upon its passage.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved March 24, 1887.*

Chap.117 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF CHELSEA.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The clerk of the police court of Chelsea shall receive from the county of Suffolk an annual salary of one thousand dollars from and after the first day of January in the year eighteen hundred and eighty-seven.

SECTION 2. This act shall take effect upon its passage. *Approved March 25, 1887.*

Chap.118 AN ACT RELATIVE TO FURNISHING TO CITIES AND TOWNS THE INDEX-DIGEST OF MASSACHUSETTS REPORTS.

Be it enacted, etc., as follows:

Index-digest to be furnished to cities and towns.

SECTION 1. The secretary of the Commonwealth shall furnish to every city and town in the Commonwealth and to every town hereafter incorporated, one copy of the index-digest to the reports of cases decided by the supreme judicial court: *provided*, that the expense of the same shall not exceed five dollars per copy.

SECTION 2. This act shall take effect upon its passage. *Approved March 25, 1887.*

AN ACT TO PROTECT THE OYSTER FISHERY IN WESTPORT RIVERS. *Chap. 119*

Be it enacted, etc., as follows:

SECTION 1. Whoever takes any oysters from the natural oyster beds in Westport rivers, in the town of Westport, at any time previous to the first day of September in the year eighteen hundred and eighty-seven, shall forfeit five dollars for each bushel and fraction of a bushel so taken.

Oysters not to be taken previous to September 1, 1887.

SECTION 2. The inhabitants of the town of Westport, at a legal meeting called for the purpose, may make regulations concerning the taking of oysters in said rivers after said first day of September; and whoever takes any oysters from said rivers contrary to such regulations shall be subject to the same penalties as are provided in the preceding section. The penalties provided in this act may be recovered by complaint or indictment in any court of competent jurisdiction.

Town to regulate taking of oysters.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1887.

AN ACT CONCERNING THE CATCHING OF FISH IN THE WATERS ADJACENT TO THE TOWNS OF BARNSTABLE, MASHPEE, YARMOUTH, DENNIS AND HARWICH. *Chap. 120*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and ninety-three of the acts of the year eighteen hundred and eighty-five, and chapter two hundred and two of the acts of the year eighteen hundred and eighty-six, and all acts and parts of acts prohibiting the use of seines and nets in the catching of fish in the waters adjacent to the towns of Barnstable, Mashpee, Yarmouth, Dennis and Harwich are hereby repealed.

Repeal.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1887.

AN ACT TO PROHIBIT THE EMPLOYMENT OF CHILDREN IN CLEANING DANGEROUS MACHINERY. *Chap. 121*

Be it enacted, etc., as follows:

SECTION 1. No child under the age of fourteen years shall be permitted to clean any part of the machinery in a factory while such part is in motion by the aid of steam, water or other mechanical power, or to clean any part of

Children in factories not to clean machinery while it is in motion.

such machinery that is in dangerous proximity to such moving part.

Penalty. SECTION 2. Whoever, either for himself or as superintendent, overseer or other agent of another, violates the provisions of the preceding section shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offence. *Approved March 28, 1887.*

Chap.122 AN ACT CONCERNING THE PAYMENT OF STATE AID TO THE WIDOWS OF CERTAIN SOLDIERS, SAILORS AND MARINES.

Be it enacted, etc., as follows :

State aid to widows of certain soldiers, etc.

SECTION 1. State aid may be paid to the widow of any soldier, sailor or marine described in the second section of chapter thirty of the Public Statutes, who was married to said soldier, sailor or marine before the ninth day of April in the year eighteen hundred and eighty, and who is otherwise qualified to receive state aid under the provisions, limitations and regulations of said chapter.

Repeal. SECTION 2. So much of section three of chapter thirty of the Public Statutes as is inconsistent with this act, and chapter two hundred and four of the acts of the year eighteen hundred and eighty-five are hereby repealed.

SECTION 3. This act shall take effect upon its passage. *Approved March 28, 1887.*

Chap.123 AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SIX ENTITLED AN ACT CONCERNING THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Be it enacted, etc., as follows :

Annual allowance of \$25,000.

SECTION 1. There shall be allowed and paid annually, out of the treasury of the Commonwealth, the sum of twenty-five thousand dollars to the treasurer of the Massachusetts School for the Feeble-Minded, for the use of said school, in equal quarterly payments, commencing on the first day of January in the year eighteen hundred and eighty-seven.

Repeal. SECTION 2. Section four of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-six is hereby repealed.

SECTION 3. This act shall take effect upon its passage. *Approved March 28, 1887.*

AN ACT RELATING TO ASSESSING BETTERMENTS ON HIGHWAYS.

Chap.124

Be it enacted, etc., as follows:

SECTION 1. When the county commissioners shall lay out, alter, grade or discontinue a highway from town to town or from place to place within the same town, they may declare the same to be done under the provisions of law authorizing the assessment of betterments in regard to so much of such highway as lies within any city or town which has accepted the provisions of chapter one hundred and sixty-nine of the acts of the year one thousand eight hundred and sixty-nine, or of chapter three hundred and eighty-two of the acts of the year one thousand eight hundred and seventy-one, or of chapter fifty-one of the Public Statutes.

Assessment of betterments by county commissioners.

SECTION 2. When the county commissioners, in any case provided for in the foregoing section, have ordered any damages to be paid from the county treasury for any land or buildings taken in any city or town which has accepted the provisions of law or either of them aforesaid, the amount of such damages which have been finally paid shall be included in the expense of laying out, alteration, widening, grading or discontinuance; and the board assessing the betterments shall reimburse the county treasury the proportion of such betterments received which the damages so paid bear to the whole amount of betterments assessed and paid. Such reimbursement shall be made when all the betterments due shall have been paid or finally settled but not before.

Damages paid from county treasury to be included in expense of laying out, etc.

SECTION 3. The provisions of chapter fifty-one of the Public Statutes, and of chapter two hundred and twenty-six of the acts of the year one thousand eight hundred and eighty-four, shall apply to the proceedings under this act so far as the same are not altered hereby.

Provisions of P. S. 51 and of 1884, 226, to apply.

SECTION 4. This act shall take effect upon its passage.

Approved March 28, 1887.

AN ACT IN RELATION TO THE ASSESSMENT OF TAXES ON ROYALTY PAYING MACHINES.

Chap.125

Be it enacted, etc., as follows:

SECTION 1. Chapter eleven of the Public Statutes is hereby amended by adding at the end of section twenty, as amended by chapter one hundred and sixty-five of the

Assessment of taxes on royalty paying machines.

acts of the year one thousand eight hundred and eighty-two, the following clause: —

Tenth. All machines employed in any branch of manufactures and used or operated under a stipulation providing for the payment of a royalty or compensation in the nature of a royalty for the privilege of using or operating the same, shall be assessed where such machines are situated or employed to the owner or any person, firm or corporation in possession of the same on the first day of May.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1887.

Chap. 126 AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. The town of Melrose, for the purposes mentioned in section three of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, may issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of two hundred and thirty-seven thousand dollars; such bonds, notes and scrip shall bear on their face the words Melrose Water Loan, Act of 1887; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and be countersigned by the water commissioners of the town. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, but none of said bonds, notes or scrip shall be issued or sold except in compliance with a vote of the town.

SECTION 2. The provisions of said chapter one hundred and sixty of the acts of the year eighteen hundred and seventy shall be applicable to this act except as herein otherwise provided.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1887.

Melrose may make an additional water loan.

Whole amount not to exceed \$237,000.

Provisions of 1870, 160, to apply, except, etc.

AN ACT TO ESTABLISH THE SALARIES OF THE DISTRICT POLICE. *Chap.127*

Be it enacted etc., as follows :

SECTION 1. Section five of chapter one hundred and three of the Public Statutes is hereby amended so as to read as follows : — Each member shall receive a salary of fifteen hundred dollars a year, together with his actual and necessary travelling expenses when on duty ; and the chief shall receive a sum, to be fixed by the governor, not exceeding two thousand dollars. All fees received by the district police shall be paid over by them to the treasurer of the Commonwealth and no salary shall be paid to any officer until he has made oath that he has paid over all such fees. Their accounts shall all be verified by oath and shall be approved by the chief before being presented to the auditor.

Salaries established.

Fees to be paid into the treasury.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1887.

AN ACT TO MORE CLEARLY DEFINE THE DUTIES OF THE SERGEANT-AT-ARMS AND TO ESTABLISH THE SALARIES OF CERTAIN OF HIS APPOINTEES AND TO PROVIDE FOR THEIR PROPER DESIGNATION. *Chap.128*

Be it enacted, etc., as follows :

SECTION 1. Sections four, six, nine, ten and twelve of chapter five of the Public Statutes are hereby respectively amended to read as follows : — *Section 4.* He shall also have the general charge and oversight of the state house and its appurtenances, of the Commonwealth building and of any other building rented by the Commonwealth for the use of public officers ; shall superintend all alterations and repairs thereof ; shall often visit and inspect the apartments therein, except the secretary's office, council chamber and apartments therewith connected which shall be under the care of the messenger of the governor and council ; shall take proper precaution against damage thereto, or to the books, papers or other property therein ; and shall see that the chambers and lobbies occupied by the general court are, both during the sessions and the recesses, kept clean and in good order. *Section 6.* He shall annually appoint, subject to the approval of the secretary and treasurer of the Commonwealth, a clerk, who shall also act as clerk of the commissioners on the state house, and three good and discreet persons, who shall be

Duties of the sergeant-at-arms defined.

To appoint a clerk and messengers.

known as the sergeant-at arms messengers, whom he may at any time remove, and for whose fidelity and good conduct in said capacity he shall be responsible. *Section 9.*

To appoint an engineer, firemen, watchmen, etc.

The sergeant-at-arms may appoint an engineer, who shall take charge of the heating and ventilation of the state house; two watchmen, one for day and one for night duty at the state house; the night watchman shall remain at the state house every night and shall maintain proper watch and guard for the security thereof, and visit such rooms and at such times as the sergeant-at-arms may direct; a fireman and an assistant fireman at the state house; a competent man to be janitor and fireman at the Commonwealth building. The sergeant-at-arms shall be responsible for the fitness and good conduct of all the aforesaid officers and may remove them at his discretion.

Salaries.

Section 10. Commencing with the first day of January, eighteen hundred and eighty-seven, the salaries of the sergeant-at-arms and the officers of his department shall be as follows:—that of the sergeant-at-arms shall be three thousand dollars a year; that of his clerk eighteen hundred dollars a year; that of each of his messengers eleven hundred dollars a year; that of the engineer at the state house fifteen hundred dollars a year; that of the watchmen one thousand dollars a year each; that of the fireman nine hundred dollars a year; that of the janitor and fireman at the Commonwealth building nine hundred dollars a year. The assistant fireman at the state house shall receive a compensation of two and one-half dollars for each day he may be employed.

Commissioners on the state house to have charge of appropriations for repairs, etc.

Section 12. The sergeant-at-arms and the secretary and treasurer of the Commonwealth shall constitute a commission, without compensation, who shall have in charge the appropriations for the repairs, improvements and furniture of the state house and the contingent expenses of the general court. No expense shall be incurred for said purposes unless previously authorized by said commission, and no expense shall be authorized by them unless the same comes within the amount appropriated by the general court, except that in case of damage to the state house, caused during the recess of the general court by fire or other unforeseen casualty, the commissioners may make all repairs necessary for the protection and preservation of the building.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1887.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Chap.*129

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year and to meet certain other expenses authorized by law, to wit:—

Appropriations.

For the salary of the third clerk in the department of the secretary of the Commonwealth, the sum of two hundred dollars, as authorized by chapter twenty-six of the acts of the present year, being in addition to the thirteen hundred dollars appropriated by chapter one of the acts of the present year.

Third clerk of the secretary of the Commonwealth.

For the salary of the second clerk in the department of the auditor of the Commonwealth, the sum of two hundred dollars, as authorized by chapter thirty of the acts of the present year, being in addition to the fifteen hundred dollars appropriated by chapter one of the acts of the present year.

Second clerk of the auditor.

For clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding eight hundred dollars, as authorized by chapter thirty-nine of the acts of the present year.

Register of probate, etc., for Worcester.

For the salary of the judge of probate and insolvency for the county of Norfolk, the sum of five hundred dollars, as authorized by chapter seventy-two of the acts of the present year, being in addition to the two thousand dollars appropriated by chapter four of the acts of the present year.

Judge of probate, etc., for Norfolk.

For the salary of the executive clerk of the governor and council, the sum of two hundred dollars, as authorized by chapter eighty-three of the acts of the present year, being in addition to the fifteen hundred dollars appropriated by chapter one of the acts of the present year.

Executive clerk.

For the expenses of the auditor of the Commonwealth, to enable him to carry out the provisions of the act concerning the keeping of accounts in sundry state institutions, a sum not exceeding two thousand five hundred dollars, as authorized by chapter eighty-seven of the acts of the present year.

Auditor's expenses concerning keeping certain accounts.

District attorney for western district.

For the salary of the district attorney for the western district, the sum of three hundred dollars, as authorized by chapter ninety-seven of the acts of the present year, being in addition to the eighteen hundred dollars appropriated by chapter four of the acts of the present year.

State normal art school building.

For furnishing the state normal art school building, a sum not exceeding five thousand dollars, as authorized by chapter two of the resolves of the present year.

Desks in reporters' gallery.

For providing desks in the reporters' gallery of the house of representatives, a sum not exceeding one hundred dollars, as authorized by chapter three of the resolves of the present year.

Law books for state library.

For the purchase of law books for the state library, a sum not exceeding one thousand dollars, as authorized by chapter five of the resolves of the present year.

Eye and ear infirmary.

For the Massachusetts charitable eye and ear infirmary, the sum of fifteen thousand dollars, as authorized by chapter six of the resolves of the present year.

George H. Cannon.
Josiah Robinson.
Thomas J. Cannon.
Benjamin F. Robinson.
John Gillespie.
Farnham Gillespie.
Francis Jenkins.

For George H. Cannon, the sum of twenty-four dollars and fifty cents; for Thomas J. Cannon, thirty-eight dollars and seventy-five cents; for Josiah Robinson, forty-one dollars and twenty-five cents; for Benjamin F. Robinson, seventeen dollars and fifty cents; for John Gillespie, forty-one dollars; for Farnham Gillespie, twenty-nine dollars and sixty-five cents; and for Francis Jenkins, eighteen dollars and seventy-five cents, as authorized by chapter nine of the resolves of the present year.

Charles O. Newell.

For Charles O. Newell of Boston, the sum of ninety-two dollars, as authorized by chapter ten of the resolves of the present year.

James Burke.

For James Burke, the sum of one hundred dollars, as authorized by chapter eleven of the resolves of the present year.

Ellen Madigan.

For Ellen Madigan, the sum of one hundred and fifty dollars, as authorized by chapter twelve of the resolves of the present year.

Annie J. Welch.

For Annie J. Welch, the sum of one hundred dollars, as authorized by chapter thirteen of the resolves of the present year.

Soldiers' Home in Massachusetts.

For the trustees of the soldiers' home in Massachusetts, as authorized by chapter fourteen of the resolves of the present year, the sum of twenty thousand dollars.

Attorney-general.

For incidental expenses of the attorney-general's department, a sum not exceeding five hundred dollars, being in

addition to the thirteen hundred and seventy-five dollars appropriated by chapter nine of the acts of the present year.

For publishing reports of capital trials, a sum not exceeding fifteen hundred dollars, being in addition to the fifteen hundred dollars appropriated by chapter two hundred and eighty-six of the acts of the year eighteen hundred and eighty-six.

Reports of capital trials.

For providing for the protection of the Commonwealth from Asiatic cholera, a sum not exceeding fifty thousand dollars, to be expended under the direction of the state board of health, whenever the governor and council shall be satisfied that Asiatic cholera exists within the limits of this Commonwealth.

Protection from Asiatic cholera.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding eight thousand dollars, being in addition to the five thousand dollars appropriated by chapter two of the acts of the present year.

Expenses of committees.

For small items of expenditure, for which no appropriations have been made, or for which appropriations have been exhausted or have reverted to the treasury in previous years, a sum not exceeding one thousand dollars.

Small items of expenditure.

For expenses in connection with awarding the contract for state printing, as authorized by chapter sixteen of the resolves of the present year, a sum not exceeding three hundred dollars.

Contract for state printing.

For editing the registration report, under the direction of the secretary of the Commonwealth, a sum not exceeding five hundred dollars.

Editing registration report.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1887.

AN ACT TO INCORPORATE THE AMERICAN MUTUAL LIABILITY INSURANCE COMPANY. *Chap. 130*

Be it enacted, etc., as follows:

SECTION 1. William C. Lovering, C. H. Dalton, William Whitman, L. M. Sargent, Francis Cabot, George Atkinson, Robert H. Stevenson, William H. Bent, John C. Sharp, John E. Sanford, Philip L. Moen, Thomas L. Livermore, Arthur T. Lyman, S. A. Williams, Edmund Grinnell, John S. Brayton, A. S. Covell, Thomas J. Borden, Theophilus Parsons, T. S. Edmunds, Eugene H.

American Mutual Liability Insurance Company incorporated.

Sampson, J. H. Sawyer, Eliot C. Clarke, Edmund Dwight, William Hooper, Charles B. Amory, their associates, successors and assigns, are hereby made a corporation by the name of the American Mutual Liability Insurance Company, to be located in the city of Boston, for the purpose and with the power and authority of insuring employers of labor against losses from claims of their employees for injuries received while in their service.

To collect a full mutual premium.

Contingent mutual liability may be fixed in by-laws.

SECTION 2. Said company shall charge and collect upon its policies a full mutual premium in cash or notes absolutely payable, and may in its by-laws and policies fix the contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds: *provided*, that such contingent liability of a member shall not be less than a sum equal to and in addition to the cash premium written in his policy. The total amount of the liability of the policy holder shall be plainly and legibly stated upon the back of each policy.

Policies not to be issued until cash premiums amount to \$20,000.

SECTION 3. No policy shall be issued by said company until insurance therein shall have been subscribed to be insured and entered upon its books, from which the aggregate amount of the cash premiums shall be not less than twenty thousand dollars.

May insure corporations employing labor.

SECTION 4. Corporations employing labor may effect insurance in said company, and assume the liabilities incident thereto.

To be organized under provisions of the general laws.

SECTION 5. Said company shall, except as otherwise herein provided, be organized under and subject to the provisions of the general law concerning mutual fire insurance companies; and shall have and may exercise all the powers, rights and privileges, and shall be subject to all the duties, liabilities and requirements under the general law applicable to mutual fire insurance companies.

SECTION 6. This act shall take effect upon its passage.

Approved March 30, 1887.

Chap. 131

AN ACT AUTHORIZING THE CENTRAL MASSACHUSETTS RAILROAD COMPANY TO ISSUE ADDITIONAL COMMON STOCK IN EXCHANGE FOR THE STOCK OF THE MASSACHUSETTS CENTRAL RAILROAD COMPANY.

Be it enacted, etc., as follows:

The Central Massachusetts Railroad may issue shares to holders of com-

SECTION 1. The Central Massachusetts Railroad Company is hereby authorized at a legal meeting duly called for the purpose, by a vote of a majority of the preferred

and of a majority of common stockholders thereof present and voting by proxy or in person, to issue to each holder of the common stock of the Massachusetts Central Railroad Company not heretofore surrendered and exchanged under the provisions of section three of chapter sixty-four of the acts of the year eighteen hundred and eighty-three, upon the surrender thereof, common stock of said Central Massachusetts Railroad Company to an equal amount share for share: *provided*, that the said stock of the Massachusetts Central Railroad Company be surrendered within one year from the date of said meeting.

mon stock in the Massachusetts Central Railroad Company.

Proviso.

SECTION 2. The Central Massachusetts Railroad Company may for the purpose of carrying out the provisions of this act, increase its capital stock to an amount not exceeding the amount of stock of the Massachusetts Central Railroad Company actually surrendered under the provisions of this act.

May increase capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1887.

AN ACT AUTHORIZING THE BOSTON, REVERE BEACH AND LYNN RAILROAD COMPANY TO UNITE AND CONSOLIDATE WITH THE BOSTON, WINTHROP AND SHORE RAILROAD COMPANY.

Chap.132

Be it enacted, etc., as follows:

SECTION 1. The Boston, Revere Beach and Lynn Railroad Company is hereby authorized to unite and consolidate with the Boston, Winthrop and Shore Railroad Company and when thus united said corporations shall constitute one corporation under the name of the Boston, Revere Beach and Lynn Railroad Company, and said united company shall have all the rights, powers, privileges and immunities and be subject to all the duties and liabilities of said uniting corporations and to all the general laws relating to railroad corporations and to the provisions of section three of chapter one hundred and five of the Public Statutes; but such union shall be only upon such terms and conditions as shall be approved by a majority in interest of the stockholders of said uniting corporations at meetings duly called for that purpose.

The Boston, Revere Beach and Lynn Railroad may unite with the Boston, Winthrop and Shore Railroad under name of Boston, Revere Beach and Lynn Railroad.

SECTION 2. The Boston, Revere Beach and Lynn Railroad Company is further authorized, for the purpose of facilitating and effecting said union and consolidation, to purchase and hold the stock, bonds and property, rights and franchises of said Boston, Winthrop and Shore Rail-

Purchase and exchange subject to approval of majority in interest of stockholders in each corporation.

road Company and may sell or exchange its stock, bonds or notes for the stock, bonds, property, rights and franchises, and in payment of the liabilities of said Boston, Winthrop and Shore Railroad Company; but such purchase and exchange shall be only in such manner and upon such terms and conditions as shall be approved by a majority in interest of the stockholders of each of said corporations at a meeting duly called for that purpose.

May increase capital stock.

SECTION 3. The Boston, Revere Beach and Lynn Railroad Company may increase its capital stock to such an amount as may be necessary to carry into effect the provisions of this act, subject to the general laws of the Commonwealth applicable to the increase of capital stock of railroad corporations; but the capital stock of the new united corporation shall not upon the union and consolidation and purchase above provided for exceed the amount of the authorized capital stock of the two uniting corporations.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1887.

Chap. 133 AN ACT TO INCORPORATE THE TRUSTEES OF CLARK UNIVERSITY IN WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Jonas G. Clark, Stephen Salisbury, Charles Devens, George F. Hoar, William W. Rice, Joseph Sargent, John D. Washburn, Frank P. Goulding and George Swan, all of the city of Worcester in the Commonwealth of Massachusetts, and their successors, are hereby made a corporation by the name of the Trustees of Clark University; to be located in said Worcester, for the purposes of establishing and maintaining in said city of Worcester an institution for the promotion of education, and investigation in science, literature and art, to be called Clark University.

Trustees of Clark University incorporated.

SECTION 2. Said corporation may receive and hold real or personal estate, by gift, grant, devise, bequest or otherwise, for the purposes aforesaid; and shall have all the rights, privileges, immunities and powers, including the conferring of degrees, which similar incorporated institutions have in this Commonwealth.

Real and personal estate.

May confer degrees.

SECTION 3. Said corporation shall have the power to organize said university in all its departments, to manage and control the same, to appoint its officers, who shall not

May organize university, appoint officers, etc.

be members of said corporation, and to fix their compensation and their tenure of office; and said corporation may provide for the appointment of an advisory board, and for election by the alumni of said university to fill any vacancies on said board.

SECTION 4. The number of the members of said corporation shall not be less than seven nor more than nine, and any vacancy therein may be filled by the remaining members at a meeting duly called and notified therefor; and when any member thereof shall by reason of infirmity or otherwise become incapable, in the judgment of the remaining members, of discharging the duties of his office, or shall neglect or refuse to perform the same, he may be removed and another be elected to fill his place, by the remaining members at a meeting duly called and notified for that purpose.

Members of corporation not to consist of less than seven nor more than nine in number.

SECTION 5. This act shall take effect upon its passage

Approved March 31, 1887.

AN ACT TO INCORPORATE THE CLAPP MEMORIAL LIBRARY.

Chap. 134

Be it enacted, etc., as follows:

SECTION 1. Everett Clapp, Dwight P. Clapp, Edward L. Clapp, Nathaniel Dwight, Susan M. Bridgman, Payson W. Lyman and their associates, survivors and successors are hereby made a corporation by the name of the Clapp Memorial Library, for the purpose of establishing and maintaining a public and social library for the diffusion of knowledge and to promote intellectual, moral and physical culture in the town of Belchertown, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Clapp Memorial Library incorporated.

SECTION 2. Said corporation shall consist of not less than five nor more than seven members, of whom the chairman of the board of selectmen for the town of Belchertown for the time being shall always be a member ex officio, and all vacancies occurring in such membership shall be filled at such time and in such manner as the corporation may lawfully direct.

Corporation to consist of not less than five nor more than seven members.

SECTION 3. Said corporation is authorized to take and hold real and personal property for the uses and purposes aforesaid, not exceeding in amount and value two hundred thousand dollars, inclusive of the bequest of the late John

Real and personal property.

F. Clapp, which bequest said corporation is authorized to receive, hold and apply to the uses and purposes of a public library in the town of Belchertown; said corporation may also take and receive donations, grants, devises and bequests, to be held and applied to the uses aforesaid, and upon such conditions as may be lawfully prescribed by the donors.

May take and receive donations, grants, etc.

Town of Belchertown may transfer all funds, etc., for uses of a public library.

Proviso.

SECTION 4. It shall be lawful for the town of Belchertown to transfer to said corporation all funds and properties which said town may now hold or may hereafter receive for the uses of a public library, to be received and applied by said corporation in like manner as if held by said town: *provided, always*, that the inhabitants of Belchertown shall have free use of said library under suitable and proper rules and regulations, and said town may lawfully appropriate and pay annually to said corporation towards increasing and maintaining said library and its buildings, and defraying expenses of same, a sum not exceeding that which is allowed by law for the support and maintenance of public libraries.

Administration to be non-sectarian.

SECTION 5. In the purchase of books for its library and in the administration of its affairs the corporation shall be non-sectarian in character.

SECTION 6. This act shall take effect upon its passage.

Approved March 31, 1887.

Chap.135 AN ACT RELATING TO THE LICENSING OF DOGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Licensing of dogs in Boston.

SECTION 1. Section eighty-four of chapter one hundred and two of the Public Statutes is amended in the first line by striking out the words "chief of police of Boston," and inserting in place thereof the words:— board of police for the city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1887.

Chap.136 AN ACT TO INCORPORATE THE LAWRENCE COFFEE HOUSE COMPANY.

Be it enacted, etc., as follows:

Lawrence Coffee House Company may organize a corporation under the general laws.

SECTION 1. C. J. Russell Humphreys, Fred C. McDuffee, Robert H. Tewksbury, Fred E. Clark, Aretas R. Sanborn, Augustus H. Amory, William E. Walcott, Edmund T. Davis, Francis H. Jealous, Walter E. Parker,

their associates and successors, may associate themselves together and organize a corporation under the general laws of this Commonwealth relating to corporations, by the name of the Lawrence Coffee House Company; and said corporation when duly incorporated under said general laws of this Commonwealth is hereby authorized to divide its capital stock into shares of ten dollars each.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1887.

AN ACT TO ESTABLISH A BOARD OF REGISTRATION IN DENTISTRY.

Chap. 137

Be it enacted, etc., as follows:

SECTION 1. The governor of the Commonwealth with the advice and consent of the council shall appoint, after the passage of this act, five skilled dentists of good repute, residing and doing business within the Commonwealth, who shall constitute a board of registration in dentistry; but no person shall be eligible to serve on said board unless he or she shall have been regularly graduated from some reputable medical or dental college duly authorized to grant degrees in dentistry, or shall have been engaged in the practice of dentistry for a period of not less than ten years previous to his appointment: *provided, however,* that no person shall be eligible to serve on said board who is in any way pecuniarily connected with any dental college or dental department of any college or university. The term for which the members of said board shall hold their office shall be three years, except that two of the members of the board, first to be appointed under this act, shall hold their office for the term of one year, two for the term of two years and one for the term of three years respectively, and until their successors shall be duly appointed and qualified. In case of a vacancy occurring in said board such vacancy shall be filled by the governor in conformity with this section. Any member of said board may be removed from office for cause, by the governor with the advice and consent of the council.

Board of registration in dentistry to be appointed.

Proviso.

Vacancies.

SECTION 2. Said board shall choose one of its members president, and one secretary thereof, and it shall meet at least twice in each year. Four of said board shall constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

President and secretary to be chosen.

Names of persons practising dentistry to be registered with board within six months.

Statements to be under oath.

Persons registered to receive certificates.

Certificates to be issued after a satisfactory examination.

Penalty for violation of provisions of this act.

Fees for examination and certificate.

Annual report.

SECTION 3. Within six months from the time this act takes effect, it shall be the duty of every person who is at that time engaged in the practice of dentistry in this state to cause his or her name, residence and place of business, to be registered with said board, who shall keep a book for that purpose. The statements of every such person shall be verified under oath before a notary public or justice of the peace in such manner as may be prescribed by the board. Every person engaged in the practice of dentistry within this Commonwealth at the time of the passage of this act and who shall so register with said board as a practitioner of dentistry shall receive a certificate to that effect, and may continue to practise without incurring any of the liabilities or penalties provided in this act.

SECTION 4. All persons not provided for in section three may appear before said board at any of its regular meetings and be examined, either orally or by written examination at the option of the several applicants, with reference to their knowledge and skill in dentistry and dental surgery; and if the examination of any such person or persons shall prove satisfactory to said board, the board shall issue to such persons as it finds to possess the requisite qualifications, a certificate to that effect, in accordance with the provisions of this act. All certificates issued by said board shall be signed by its officers; and such certificates shall be prima facie evidence of the right of the holder to practise dentistry in Massachusetts.

SECTION 5. Any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction may be fined not less than fifty nor more than one hundred dollars, or confined three months in the county jail, for each and every offence.

SECTION 6. The said board shall charge each person receiving a certificate the sum of fifty cents, and each person appearing before them for examination for a certificate of qualification a fee of ten dollars, which fee shall in no case be returned. Any person failing to pass a satisfactory examination shall be entitled to be re-examined at any future meeting of the board, free of charge, but no applicant shall be examined oftener than twice in one year. Said board shall make an annual report of its proceedings to the governor, by the thirty-

first day of December in each year. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth once in each month.

SECTION 7. The compensation and all necessary expenses of the board, shall be paid from the treasury of the Commonwealth. The compensation of the board shall be five dollars each for every day actually spent in the discharge of their duties, and three cents per mile each way for necessary travelling expenses in attending the meetings of the board, but in no case shall any more be paid than was actually expended. Such compensation and expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of all other bills and accounts approved by him under the provisions of law: *provided*, that the amount so paid shall not exceed the amount received by the treasurer and receiver-general of the Commonwealth from the board in fees as herein specified, and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses as aforesaid.

Compensation and expenses of board to be paid from the state treasury.

SECTION 8. Any person who shall falsely claim or pretend to have or hold a certificate of license granted by any board organized under and pursuant to the provisions of this act, or who shall falsely and with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, or who shall practise dentistry without obtaining a certificate as provided in this act, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalty as provided in section five.

Penalty for falsely claiming to hold a certificate.

SECTION 9. Nothing in this act shall apply to any practising physician who is a graduate from the medical department of any incorporated college.

Not to apply to a graduate from a medical college.

SECTION 10. This act shall take effect upon its passage.

Approved April 1, 1887.

AN ACT IN RELATION TO THE CITY MISSIONARY SOCIETY.

Chap. 138

Be it enacted, etc., as follows:

Section one of chapter ninety-two of the acts of the year one thousand eight hundred and eighty-six is hereby amended so as to read as follows:— *Section 1.* The City Missionary Society, originally incorporated as the Boston Society for the Religious and Moral Instruction of

May hold additional real and personal estate.

the Poor, by an act approved on the twenty-first day of February in the year one thousand eight hundred and twenty, amended by an act approved on the twenty-seventh day of February in the year one thousand eight hundred and forty-one, changing its name to the City Missionary Society, is hereby authorized in addition to its other purposes to provide temporal relief for the poor, and is further authorized to hold real and personal estate to an amount not exceeding two hundred thousand dollars.

Approved April 4, 1887.

Chap. 139 AN ACT IN RELATION TO THE STATION OF THE NEW LONDON NORTHERN RAILROAD COMPANY IN AMHERST CALLED SOUTH AMHERST STATION.

Be it enacted, etc., as follows:

Railroad Commissioners may order a passenger station to be erected at South Amherst.

SECTION 1. The board of railroad commissioners is hereby authorized, upon the petition of twenty legal voters of the town of Amherst, after due notice to the New London Northern Railroad Company and its lessee, and such hearing as said board shall deem expedient, if in the judgment of said commissioners the duties and obligations of said company or the public exigency require it, to order the said company to construct within three months from the date of said order, and thereafter to maintain upon its railroad at South Amherst, a station house reasonably commodious, and furnished for the use of passengers: and also to stop at South Amherst both before and after the erection of said station house a specified portion of its passenger trains; and if it becomes necessary for said company in carrying out such order, to take land without agreement with the owner or owners thereof, it shall be taken under the provisions of law relating to the taking of land for railroad tracks.

The court may compel specific performance of the order of the commissioners.

SECTION 2. In case of the neglect or refusal of said company to comply with and fulfil any of the requirements of said order, a copy of which shall be delivered by said board to the president or some other officer of said company within ten days from its date, the supreme judicial court or any justice thereof sitting in equity in any county shall have full power forthwith to make and issue such orders and decrees in the premises as may be necessary to compel specific performance of the terms of said order by said company, and for every month's delay or refusal on the part of said company to comply

with and fulfil any of the requirements of said order, said company shall forfeit and pay the sum of five hundred dollars to be recovered in an action of tort to be brought by the attorney-general, or the district attorney for the northwestern district, to the benefit of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1887.

AN ACT TO AUTHORIZE THE CONSOLIDATION OF MASONIC MUTUAL RELIEF ASSOCIATIONS. *Chap. 140*

Be it enacted, etc., as follows:

SECTION 1. Any two or more corporations known as masonic mutual relief associations, organized under the provisions of chapter one hundred and fifteen of the Public Statutes, may unite or consolidate under the name of the Massachusetts Masonic Mutual Relief Association, upon a two-thirds vote of their members present and voting thereon at special meetings of said corporations called for this purpose in the manner prescribed by their by-laws.

Masonic mutual relief associations may consolidate under the name of the Massachusetts Masonic Mutual Relief Association.

SECTION 2. At any time subsequent to the consolidation authorized by section one of this act any of the masonic mutual relief associations not included in said consolidation may unite with the said Massachusetts Masonic Mutual Relief Association in the same manner as is prescribed in said section one for the original consolidation.

Subsequent to consolidation, other associations may join.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1887.

AN ACT TO AMEND AN ACT TO SUPPLY THE VILLAGE OF MANSFIELD WITH WATER. *Chap. 141*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the village of Mansfield in the county of Bristol, liable to taxation in the town of Mansfield and residing in the territory enclosed by the following boundary lines, viz.: — beginning at the intersection of the Boston and Providence railroad with the Foxborough town line; thence in a straight line and southerly direction to a point on the Old Colony railroad one mile southeasterly from the intersection of said railroad with North Main street; thence in a westerly direc-

Water supply for the village of Mansfield.

tion and by a straight line to a point in the Rumford river five hundred feet southerly from Spring street; thence by said Rumford river northerly to the Foxborough town line; thence in an easterly direction by said town line to the starting point first named, — shall constitute a water district and are made a body corporate by the name of the Mansfield Water Supply District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants, re-locate or discontinue the same, and to take and hold property by purchase or otherwise for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

Mansfield
Water Supply
District.

Repeal.

SECTION 2. Section one of chapter three hundred and thirty-six of the acts of the year eighteen hundred and eighty-six is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1887.

Chap. 142 AN ACT RELATING TO THE COLLECTION OF TAXES ASSESSED UPON THE SHARES OF BANKS LOCATED WITHIN THIS COMMONWEALTH.

Be it enacted, etc., as follows:

Tax assessed
upon bank
shares to be a
lien thereon
until tax is paid.

SECTION 1. Any tax assessed upon the shares of a bank existing and carrying on business by the authority of the United States or of this Commonwealth and located within this Commonwealth shall constitute a lien upon the shares so assessed from the first day of May in the year in which the tax is laid until the tax shall be paid, and such tax may be collected in accordance with the provisions of law for the seizure and sale of shares of the capital stock of corporations existing under the authority of this Commonwealth for the non-payment of taxes.

Bank may pay
tax under
written protest.

SECTION 2. Any bank whose shares are so assessed may pay under a written protest any tax so assessed, and such payment shall not be deemed voluntary, but the tax or any portion thereof paid after such written protest is made, if such tax or any portion thereof is invalid, may be recovered of the city or town receiving it in an action of contract brought by such bank, provided suit is brought therefor within six months from the time when such tax is paid.

The governor
and council may
employ counsel

SECTION 3. The governor may with the advice and consent of the council employ counsel learned in the law

to assist in the prosecution of any suit pending in any court of the United States which may have been or hereafter shall be brought by the treasurer of any city or town to recover any tax assessed upon the shares of any such bank, and to assist in the defence of any suits which may have been or hereafter shall be brought in any court of the United States under section two of this act, and such counsel shall be paid such sum from the state treasury as the governor and council may approve, but such suits shall be under the direction of the attorney-general.

to assist in prosecution and defence of suits.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1887.

AN ACT TO PUNISH THE OBTAINING BY FALSE PRETENCES OF CERTIFICATES OF REGISTRATION OR TRANSFERS OF SUCH REGISTRATIONS, AND THE GIVING OF FALSE PEDIGREES OF CATTLE AND OTHER ANIMALS.

Chap. 143

Be it enacted, etc., as follows:

SECTION 1. Whoever by a false pretence obtains from any club, association, society or company for improving the breed of cattle, horses, sheep, swine or other domestic animals, a certificate of registration of any animal in the herd register, or any other register of any such club, association, society or company, or a transfer of any such registration, shall be punished by imprisonment in the jail or house of correction not exceeding two years, or by fine not exceeding five hundred dollars or by both imprisonment and fine.

Penalty for obtaining from a society, etc., by false pretence, a certificate of registration of cattle, etc.

SECTION 2. Whoever knowingly gives a false pedigree in writing of any animal, shall be punished by imprisonment in the jail or house of correction not exceeding two years, or by fine not exceeding five hundred dollars or by both imprisonment and fine.

Penalty for giving a false pedigree of an animal.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1887.

AN ACT AUTHORIZING THE PROVIDENT CO-OPERATIVE BANK TO INCREASE ITS CAPITAL TO BE ACCUMULATED.

Chap. 144

Be it enacted, etc., as follows:

SECTION 1. The Provident Co-operative Bank is hereby authorized to increase its capital to be accumulated to one million dollars, which capital shall be divided into shares of the ultimate value of two hundred dollars each.

May increase capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1887.

Chap.145 AN ACT AUTHORIZING THE BOSTON TOW BOAT COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May increase
capital stock.

SECTION 1. The Boston Tow Boat Company, a company established by chapter twenty-seven of the acts of the year eighteen hundred and seventy-three, is hereby authorized to increase its capital stock to one million dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1887.

Chap.146 AN ACT TO AUTHORIZE THE HAMPDEN PAINT AND CHEMICAL COMPANY TO REDUCE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May reduce
capital stock.

SECTION 1. The Hampden Paint and Chemical Company is hereby authorized to reduce its capital stock to an amount not less than seventy-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1887.

Chap.147 AN ACT TO PREVENT THE DEFACING OR INJURY OF VOTING LISTS.

Be it enacted, etc., as follows:

Penalty for de-
facing a posted
list of voters.

SECTION 1. Whoever wilfully injures or defaces any list of voters posted in any city or town of this Commonwealth shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding six months.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1887.

Chap.148 AN ACT TO DISSOLVE THE GROVELAND SAVINGS BANK.

Be it enacted, etc., as follows:

Corporation
dissolved.

SECTION 1. The Groveland Savings Bank is hereby dissolved, subject to the provisions of sections forty-one and forty-two of chapter one hundred and five of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1887.

Chap.149 AN ACT RELATING TO THE EXAMINATION OF JURORS.

Be it enacted, etc., as follows:

Examination of
jurors by the
parties, etc.

SECTION 1. The examination of jurors provided for by section thirty-five of chapter one hundred and seventy

of the Public Statutes, may be made by the parties or their attorneys under the direction of the court.

SECTION 2. This act shall take effect on the first day of October next.

Approved April 4, 1887.

AN ACT TO INCORPORATE THE BAY STATE TRUST COMPANY.

Chap. 150

Be it enacted, etc., as follows:

SECTION 1. Alfred Rodman, William Minot, junior, Charles C. Jackson, Stephen M. Weld, George Dexter, their associates and successors, are made a corporation by the name of the Bay State Trust Company, to be located at Boston, for the purpose of receiving on deposit, storage or otherwise, moneys, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, upon such terms or conditions as may be obtained or agreed upon, and at the request of the depositor of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, for the purpose of loaning money on real and personal security, and issuing letters of credit on terms that may be agreed upon, and for the purpose of borrowing money and of receiving and investing the same; and all the powers and privileges necessary for the execution of these purposes are granted, subject nevertheless to the duties and restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes and in all the general laws which now are or hereafter may be in force in relation to such corporations.

Bay State Trust Company incorporated.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, or to its credit in a national bank, payable on demand, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below said per centum of such deposits, it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: it shall also have in addition to the fifteen per centum aforesaid one-

Reserve to be had on hand equal to 15 per cent. of deposits withdrawable on demand.

sixth part of its loan in notes payable on demand, secured by any of the classes of stocks or bonds specified in section three of this act at not over seventy-five per centum of their market value, or in bonds of the United States or of this Commonwealth, which are the absolute property of such corporation.

Courts may order moneys to be deposited with corporation.

Corporation may hold moneys, etc., in trust.

Investment of such moneys.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this state, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or property received under the provisions of this section shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or cities or counties or towns of this state, or stocks of state or national banks organized within this Commonwealth, or in the first mortgage bonds of any railroad company in New England which has earned and paid regular dividends on its stock for two years next preceding such loan or investment, or in the first mortgage bonds of any railroad company outside of New England which has earned and paid regular dividends on its stocks for five years next preceding such loan or investment, or in the bonds of any railroad company in the New England states unencumbered by mortgage which has earned and paid regular dividends on its stocks for two years next preceding such loan or investment, or in first mortgages on real estate in this Commonwealth, or in any securities in which savings banks are allowed to invest, or upon notes, with two sureties, of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgages or by levy of

execution shall be sold at public auction within two years after such foreclosure or levy: *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, and the investment or loans of them, shall be specially appropriated to the security and payment of such deposits and not to be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department into which all business authorized by this section shall be kept separate and distinct from its general business.

To be a special deposit.

SECTION 4. Said corporation may also be appointed trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, hereafter referred to, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation by any officer thereof duly authorized by it, and the answers and examinations, under oath, of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys, or to execute any trust, contrary to its own desire.

May be appointed trustee under will, etc., creating a trust.

Not to be required to execute trust against its own desire.

SECTION 5. In the management of money and property held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company referred to in section three of this act: *provided*, that it shall be competent for the authority making the appointment to

To be invested in general trust fund referred in section three

Provisos.

direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

Moneys, etc., held under provisions of sections four and five, not to be mingled with capital stock.

SECTION 6. No money, property or securities received or held by said company under the provisions of sections four and five of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Limit of liability to corporation.

SECTION 7. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall at no time exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up, and one-tenth part of its deposits. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

To make semi-annual returns to commissioners of savings banks.

SECTION 8. Said corporation shall semi-annually make a return to the commissioners of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said returns shall specify the following, namely: Capital stock; amount of all moneys and property in detail in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgages of real estate; cash on hand; all as existing at the date of making such returns, with the rate, amount and date of dividends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company,

Commissioners to have access to books, etc.

and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Such returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners: and these returns shall be published in a newspaper of the city of Boston at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners.

To furnish blank form of returns.

SECTION 9. Said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes, and any acts now existing, or which may hereafter be passed, in amendment or lieu thereof.

Subject to provisions of P. S. 13, and acts in amendment.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

To make annual return to tax commissioner of taxable property held in trust.

Tax payable to the treasurer.

SECTION 11. Said corporation shall also annually, between the first and tenth days of May, return to the

To make annual return to tax commissioner of

sums on interest
or for invest-
ment.

tax commissioner a true statement verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the tenth and thirteenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Tax payable to
the treasurer.

Tax not to be
assessed in
towns where
beneficiaries
reside.

SECTION 12. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections one, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of the Public Statutes and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Deposits with-
drawable on de-
mand deemed in
possession of
person to
whom payable.

SECTION 13. Deposits with said corporation, which can be withdrawn on demand or within ten days, shall, for purposes of taxation, be deemed money in possession of the person to whom the same is payable.

May act as agent
for issuing and
registering
bonds, etc.

SECTION 14. The said corporation is also authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon, and may also act as trustees or

financial or other agent for any person or firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans and to sell and negotiate the sale of securities, and may also act as trustee for the bondholders of corporations, and to this end is empowered to receive transfers of real and personal property upon such terms as may be agreed upon.

SECTION 15. The capital stock of said corporation shall be two hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding one million dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Capital stock \$200,000, with power to increase to \$1,000,000.

SECTION 16. Said corporation shall be entitled to purchase and hold real estate in the city of Boston suitable for the transaction of its business, to an amount not exceeding in value fifty per centum of its capital stock; and the balance of the capital stock shall be invested only in the investments authorized by section three of this act in the case of moneys or property held in trust or on deposit.

Real estate in city of Boston.

SECTION 17. The shareholders of said corporation shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one inclusive, shall apply to and regulate the enforcement of this liability.

Liability of shareholders.

SECTION 18. The shares of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall, for that purpose, ordain and establish, and not otherwise.

Shares transferable, etc.

SECTION 19. This act shall take effect upon its passage.

Approved April 4, 1887.

Chap.151 AN ACT TO CHANGE THE NAME OF THE AYRES MANUFACTURING COMPANY.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Ayres Manufacturing Company, a corporation organized under the general laws of this Commonwealth is hereby changed to the Hamblin and Russell Manufacturing Company.

SECTION 2. This act shall take effect on the first day of May in the year eighteen hundred and eighty-seven.

Approved April 4, 1887.

Chap.152 AN ACT TO SUPPLY THE TOWN OF AYER WITH PURE WATER.

Be it enacted, etc., as follows:

Water supply for town of Ayer.

SECTION 1. The town of Ayer may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate and discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

May take waters from Sandy Pond and water rights connected therewith.

SECTION 2. The said town for the purposes aforesaid, and for the purpose of obtaining a supply of water, may draw and convey directly from Sandy Pond, so called, in said town, so much of the waters thereof, and the waters that flow into and form the same, as it may require; and it may take by purchase, or otherwise, and hold any water rights connected with said pond, and any springs and streams tributary thereto, and the water of any other ponds or water sources within the limits of said town, and the water rights connected with any of said sources, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect upon the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways and along any such way, in such manner as when completed shall not unnecessarily obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits,

May erect dams and buildings.

May construct and lay down conduits.

pipes and other works, and for all proper purposes of this act, said town may dig up, raise and embank any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter provided for.

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement or any other thing done by said town under the authority of this act, except that said town shall not be liable to pay any damages resulting from taking water from Sandy Pond, other than the Commonwealth itself would be legally liable to pay. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or any injury thereto, until the water is actually withdrawn or diverted by said town, under the authority of this act.

Damages to be paid by the town.

Application for damages not to be made until water is actually diverted.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Ayer Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the

Ayer Water Loan not to exceed \$75,000.

May sell securities at public or private sale.

Sinking fund to be established.

May make annual proportionate payments instead of establishing sinking fund.

Return of amount of sinking fund, etc.

To raise annually by taxation sufficient for current expenses and interest.

Penalty for wilfully diverting or corrupting waters.

treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

SECTION 6. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required shall, without further vote, be assessed by the assessors of said town, in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed, under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amount raised and applied thereunder for the current year.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said

town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 10. The said town shall, after its acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners, and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Water commis-
sioners to be
chosen.

Vacancies.

SECTION 11. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Subject to ac-
ceptance by a
two-thirds vote.

Approved April 5, 1887.

AN ACT RELATING TO THE SALARIES OF THE OFFICERS OF THE BUREAU OF STATISTICS OF LABOR. Chap. 153

Be it enacted, etc., as follows:

SECTION 1. The provisions of section sixteen of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-four, providing extra compensation for the officers of the bureau of statistics of labor during the years eighteen hundred and eighty-five and eighteen hundred and eighty-six, are hereby extended to include the year eighteen hundred and eighty-seven.

Salaries estab-
lished.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1887.

Chap. 154 AN ACT TO AUTHORIZE THE CLINTON GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK AND TO FURNISH GAS TO THE INHABITANTS OF THE TOWN OF LANCASTER.

Be it enacted, etc., as follows:

May furnish gas to the inhabitants of Lancaster.

SECTION 1. The Clinton Gas Light Company of Clinton, in addition to the rights and powers conferred upon it by its original act of incorporation, and all acts amendatory thereof, is hereby authorized to furnish the inhabitants of the town of Lancaster with gas for illuminating or heating purposes.

Subject to the consent of the selectmen of Lancaster.

SECTION 2. The said corporation, first having obtained the consent of the selectmen of the said town of Lancaster, is hereby authorized, under the direction and control of said selectmen, to dig up and open the grounds in any of the streets or ways thereof, so far as is necessary for the purpose of laying its pipes or other conduits, to carry into effect the authority hereby given. The said corporation shall put all streets and ways which are so opened by it into as good repair as they were in when opened, and upon failure to do so within a reasonable time shall be deemed guilty of a nuisance.

Damages.

SECTION 3. When a party injured in his person or property by a defect in a street or way, caused by the operations of said corporation in laying down its pipes or other conduits, recovers damages therefor of the said town of Lancaster, said town shall, in addition to the damages so recovered against it, be entitled to recover all the taxable costs of the plaintiff and defendant in the same action, in a suit brought against said corporation, if said corporation be liable for said damages and if reasonable notice shall have been given to it by said town of Lancaster, so that it might have defended the original action.

Gas Light Company may increase capital stock.

SECTION 4. The said Clinton Gas Light Company is hereby authorized to increase its capital stock to an amount not exceeding two hundred thousand dollars, and to hold real estate to the value of seventy-five thousand dollars.

SECTION 5. This act shall take effect upon its passage.

Approved April 11, 1887.

AN ACT TO AUTHORIZE THE OLD COLONY HISTORICAL SOCIETY TO
HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap.155*

Be it enacted, etc., as follows:

The Old Colony Historical Society, incorporated by chapter two hundred and ninety-seven of the acts of the year eighteen hundred and fifty-three, is hereby authorized to hold real and personal estate to an amount not exceeding fifty thousand dollars.

Real and personal estate not exceeding \$50,000.

Approved April 11, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE OFFICER IN ATTENDANCE AT THE SESSIONS OF THE PROBATE COURT AND THE COURT OF INSOLVENCY IN THE COUNTY OF SUFFOLK. *Chap.156*

Be it enacted, etc., as follows:

SECTION 1. The officer in attendance at the sessions of the probate court and the court of insolvency in the county of Suffolk shall receive an annual salary of thirteen hundred dollars, to be paid from the treasury of said county in monthly instalments, in full for all services performed by him.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1887.

AN ACT TO INCORPORATE THE VINEYARD HAVEN WATER COMPANY. *Chap.157*

Be it enacted, etc., as follows:

SECTION 1. Orson G. Stanley, Benjamin C. Mudge, Harry Castello, William Barry Owen and Louis O. Johnson, their associates and successors, are hereby made a corporation by the name of the Vineyard Haven Water Company, for the purpose of supplying the inhabitants of that portion of the town of Tisbury known as Vineyard Haven with water for domestic, manufacturing and other purposes, including the extinguishment of fires, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, so far as the same may be applicable to this corporation.

Vineyard Haven Water Company incorporated.

SECTION 2. The said corporation may take and hold by purchase, and not otherwise, the water of any well or wells, spring or springs, pond or ponds within the limits of that part of Tisbury called Vineyard Haven, and convey the same through any portion of said Vineyard Haven

May take, by purchase, water of wells and springs.

May purchase real estate.

May lay pipes through private lands with consent of owners.

May dig up roads, with consent of the selectmen of Tisbury.

May distribute water, and fix and collect water rates.

Real estate, capital stock and shares.

May issue bonds and secure by mortgage.

Penalty for wilfully polluting or diverting water.

for the purposes specified in this act. And the said corporation may purchase and hold any real estate within the said limits necessary for the construction and maintenance of its works and for the protection of its water from encroachment or pollution, and for the purpose of building dams, reservoirs and aqueducts, and the laying of pipes. The said corporation may, on consent of or agreement with the owner, lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way in such manner as not unnecessarily to obstruct the same; and may, with the consent and under the direction of the board of selectmen of the town of Tisbury, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any acts convenient or proper for carrying out the purposes of this act.

SECTION 3. The said corporation may distribute water through that portion of the town of Tisbury known as Vineyard Haven; may regulate the use of said water and fix and collect rates to be paid for the use of the same, and may make such contracts with the said town or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes as may be agreed upon by said town or such fire district, individual or corporation, and said corporation.

SECTION 4. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed thirty thousand dollars, to be divided into shares of one hundred dollars each. Said corporation may issue bonds bearing interest at a rate not exceeding six per cent. per annum, and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property

owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the jail not exceeding one year.

SECTION 6. The said town of Tisbury or any fire district that is or may hereafter be legally organized therein shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the total cost of its franchise, works and property of any kind held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. If the cost of maintaining and operating the works of said corporation shall exceed, in any year, the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds, in any year, the cost of maintaining and operating said works for that year then such excess shall be deducted from the total cost. The said town or fire district on taking, as herein provided, the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town or fire district to said corporation. In case of a foreclosure of the bonds authorized by this act, the said town or fire district may take possession of the property and rights of said corporation on the payment of said bonds, principal and interest. In case said town or fire district and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town or fire district, the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town or fire district to take possession of such franchise, corporate property, rights and privileges upon payment of such cost to

Town or a fire district may take franchise and corporate property at any time.

Subject to assent
by a two-thirds
vote.

said corporation. This authority to take said franchise and property is granted on condition that the taking is assented to by said town or fire district by a two-thirds vote of the voters of said town or fire district present and voting thereon at a meeting legally called for that purpose.

Tisbury or
Vineyard Haven
Water Loan.

SECTION 7. The said town or such fire district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate thirty thousand dollars; such bonds, notes and scrip shall bear on their face the words: — Tisbury or Vineyard Haven Water Loan, — shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town or such fire district and countersigned by the water commissioners hereinafter provided for. The said town or such fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town or such fire district shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund to
be established.

May make annual proportionate payments instead of establishing sinking fund.

SECTION 8. The said town or such fire district, instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return of
amount of
sinking fund.

SECTION 9. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the

amount of any sinking fund established under this act, and, if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

SECTION 10. The said town or such fire district shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town or such fire district, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise by annual taxation sufficient for current expenses and interest.

SECTION 11. The said town or such fire district shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting or annual meeting of such fire district, to constitute a board of water commissioners; and at each annual town meeting or annual meeting of such fire district thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town or such fire district by this act and not otherwise specially provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as said town or such fire district may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business, relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or such fire district at any legal meeting of said town or of such fire district called for the purpose.

Water commissioners to be elected.

Commissioners to be trustees of the sinking fund.

Vacancies.

SECTION 12. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within two years from the date of its passage.

Work to be commenced within two years.

Approved April 11, 1887.

*Chap.*158 AN ACT TO INCORPORATE THE BRIGHAM FACTORY COMPANY.

Be it enacted, etc., as follows:

Brigham Fac-
tory Company
incorporated.

SECTION 1. David B. Gurney, William H. Dunbar, Henry Hobart, Hosea F. Whidden, William L. Reed, George A. Reed, David A. Gurney, Charles E. Phillips, Jacob P. Bates, George O. Jenkins, Hiram H. Jenkins, Randall W. Cook, Charles Conant, Obed H. Ellis and Charles H. Edson, their associates and successors, are hereby made a corporation by the name of the Brigham Factory Company, for the purpose of purchasing and maintaining a factory to be used for the manufacture of boots and shoes and for other manufacturing purposes; and for the purposes herein named said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations; and shall have power to purchase, lease and hold in fee simple or otherwise all or any part of that tract of land situated in the town of Whitman in this Commonwealth lying on the south side of South Avenue and bounded as follows:—Beginning at the northeast corner of the lot on said South Avenue and at the northwest corner of the homestead lot of Andrew C. Brigham and at the centre of a stone monument set in the earth; thence by said South Avenue, south sixty-nine degrees thirty minutes west, one hundred and fifty-two feet to the centre of a stone monument set in the earth at the northeast corner of land of David B. Gurney; thence south seventeen degrees thirty-five minutes east, one hundred and sixty-five feet to the centre of a stone monument set in the earth; thence south seventy-two degrees twenty-five minutes west, one hundred fifty-nine and five-tenths feet to the centre of a stone monument set in the earth in the easterly line of Hobart Square: thence south thirty degrees thirty minutes east, by said Hobart Square and land of Amelia Dunbar, one hundred seven and eight-tenths feet to the centre of a stone monument set in the earth; thence south twenty degrees thirty-five minutes east, by said land of said Dunbar, seventy-four and five-tenths feet to the centre of a stone monument set in the earth at land of said Brigham; thence north sixty-seven degrees forty minutes east, by said land of said Brigham, three hundred and ten

May hold land
in town of
Whitman.

feet to the centre of a stone monument set in the earth at land of said Brigham; thence north seventeen degrees fifteen minutes west, by said land of said Brigham, three hundred and thirty-two feet to the point of beginning; together with the buildings thereon and the engine, boilers, shafting and other appurtenances thereto belonging.

SECTION 2. The said corporation shall have the power to erect and maintain factory buildings and other buildings and structures on its land and otherwise improve the same, and to sell, lease, mortgage or otherwise dispose of its corporate property or any part thereof.

May erect and maintain factory and other buildings.

SECTION 3. The capital stock of said corporation shall not exceed twenty-four thousand dollars divided into shares of one hundred dollars each: *provided, however,* that no liability shall be incurred until seventeen thousand dollars of the capital stock has been paid in, in cash.

Capital stock and shares.

SECTION 4. This act shall take effect upon its passage.

Approved April 11, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE COUNTY TREASURER OF HAMPSHIRE COUNTY. *Chap.159*

Be it enacted, etc., as follows:

SECTION 1. The salary of the county treasurer of Hampshire county shall hereafter be eight hundred dollars a year.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1887.

AN ACT TO ESTABLISH THE SALARIES OF THE DISTRICT ATTORNEY, THE ASSISTANT DISTRICT ATTORNEYS AND THE CLERK OF THE DISTRICT ATTORNEY, FOR THE SUFFOLK DISTRICT. *Chap.160*

Be it enacted, etc., as follows:

SECTION 1. The salary of the district attorney for the Suffolk district shall be five thousand dollars a year; the salary of the first assistant district attorney for the Suffolk district shall be twenty-eight hundred dollars a year; the salary of the second assistant district attorney for the Suffolk district shall be twenty-five hundred dollars a year; the salary of the clerk of the district attorney for the Suffolk district shall be twelve hundred dollars a year; and at the same rates for any part of a year.

Salaries established.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1887.

Chap. 161 AN ACT RELATING TO THE WATER LOAN OF THE CITY OF LYNN.

Be it enacted, etc., as follows:

Water loan of
the city of Lynn.
Amendments to
1871, 218, § 5.

SECTION 1. Section five of chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-one is hereby amended in the concluding paragraph by striking out the words "the mayor, city treasurer and president of the common council," and inserting in lieu thereof the words:—the commissioners of the city debt sinking funds,—so that the same as amended shall read as follows, namely:—The commissioners of the city debt sinking funds for the time being shall be trustees of said fund and shall whenever required by the city council render an account of all their doings in relation thereto.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1887.

Chap. 162 AN ACT IN RELATION TO THE ERECTION AND MAINTENANCE OF GUIDE-POSTS AT CROSSINGS AND FORKS OF HIGHWAYS.

Be it enacted, etc., as follows:

Guide-posts for
the direction of
travellers.

Section one of chapter fifty-three of the Public Statutes is hereby amended so as to read as follows:—Every town shall in the manner provided in this chapter erect and maintain guide-posts on the highways and other ways within the town, at such places as are necessary or convenient for the direction of travellers, and shall erect and maintain such guide-posts at such forks or intersections of such highways and other ways as lead to adjoining towns or cities.

Approved April 11, 1887.

Chap. 163 AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Salaries
established.

SECTION 1. The chief justice of the municipal court of the city of Boston shall receive an annual salary of forty-three hundred dollars, and each of the associate justices of said court an annual salary of four thousand dollars, to be paid by the county of Suffolk.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF ESSEX COUNTY. *Chap.164*

Be it enacted, etc., as follows:

SECTION 1. Beginning with the first day of January, eighteen hundred and eighty-seven, the salary of the sheriff of Essex county shall be two thousand dollars per annum. Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1887.

AN ACT MAKING AN APPROPRIATION FOR PREPARATION FOR PUBLICATION AND FOR THE PUBLICATION OF THE PROVINCIAL LAWS. *Chap.165*

Be it enacted, etc., as follows:

The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of continuing the preparation for publication, and for the publication of the provincial laws during the year eighteen hundred and eighty-seven, as provided in chapter forty-three of the resolves of the year eighteen hundred and sixty-five, but subject to the provisions and limitations embraced in chapter fifty-six of the resolves of the year eighteen hundred and eighty-four, to wit:— For compensation and expenses of the editor, for salaries of copyists, and for other expenses in connection with the preparation for publication, and for the publication of the provincial laws, a sum not exceeding ten thousand five hundred and forty-five dollars. Appropriation for publication, etc., of the provincial laws.

Approved April 12, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF THE PROBATE COURT FOR THE COUNTY OF BARNSTABLE. *Chap.166*

Be it enacted, etc., as follows:

SECTION 1. The judge of the probate court for the county of Barnstable shall receive an annual salary of twelve hundred dollars. Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1887.

Chap.167 AN ACT TO AUTHORIZE THE CLARKE INSTITUTION FOR DEAF MUTES
TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Clarke Institution for Deaf Mutes is hereby authorized to hold real and personal estate for the purposes named in its act of incorporation to an amount not exceeding two hundred thousand dollars, in addition to the amount it is now authorized to hold.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1887.

Chap.168 AN ACT TO AUTHORIZE THE OAKLAND GARDEN ASSOCIATION TO
PURCHASE ADDITIONAL REAL ESTATE, TO ERECT DWELLING
HOUSES AND OTHER BUILDINGS ON ITS LANDS, TO ISSUE BONDS,
TO SELL AND CONVEY ITS REAL ESTATE, AND TO INCREASE ITS
CAPITAL STOCK; AND CONFIRMING THE PURCHASES OF ALL REAL
ESTATE HERETOFORE MADE BY SAID ASSOCIATION.

Be it enacted, etc., as follows:

Oakland Garden Association may purchase additional real estate.

SECTION 1. The Oakland Garden Association may purchase from time to time such additional real estate in the territory bounded by Blue Hill avenue, Glen road, Erie street, New Seaver and Seaver streets, in the city of Boston, as its stockholders shall, by vote at a meeting or meetings called for the purpose, authorize to be purchased; and may erect on the lands now owned or hereafter acquired by it such dwelling houses and other buildings as its directors shall deem expedient; and may issue bonds to an amount not exceeding one hundred thousand dollars for the purpose of erecting such dwelling houses and other buildings and funding its floating debt; and may sell and convey from time to time any part or parts or the whole of the real estate now owned or hereafter acquired by it, such sales and conveyances having been first authorized by vote of its stockholders at a meeting or meetings called for the purpose; and may increase its capital stock by an amount not exceeding one hundred thousand dollars, making the whole capital stock of said association not to exceed two hundred thousand dollars; and all purchases of real estate heretofore made by said association are hereby ratified and confirmed.

May issue bonds.

May sell any part of real estate.

Capital stock and shares.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1887.

AN ACT TO INCORPORATE THE NORTH EASTON WATER COMPANY. *Chap. 169**Be it enacted, etc., as follows:*

SECTION 1. Frederick L. Ames, Oakes A. Ames, John H. Swain, George B. Cogswell, George W. Kennedy, George K. Davis, Cyrus Lothrop, Pardon A. Gifford, their associates and successors, are hereby made a corporation by the name of the North Easton Water Company, for the purpose of supplying the inhabitants of the town of Easton, or of any part thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, so far as the same may be applicable to such corporations.

North Easton
Water Company
incorporated.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the water of Queset river at any point above Stone's pond dam in the town of Easton, or the waters of any springs or other sources on the water-shed of said river above said dam, with the water rights and water sources connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act said corporation may dig up any such lands, and under the direction of the board of selectmen may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take and
hold water of
Queset river.

May erect dams
and buildings.

May dig up
lands, etc.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid other than

To cause to be
recorded in the
registry of deeds
a description of
the land taken.

by purchase, file and cause to be recorded in the registry of deeds for the county of Bristol a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the president of the corporation.

Damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation, under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto until the water is actually withdrawn or diverted by said corporation under the authority of this act.

No application to be made for assessment of damages until water is actually diverted.

May distribute water, and fix and collect water rates.

SECTION 5. The said corporation may distribute the water through said town of Easton, may regulate the use of said water and fix and collect water rates to be paid for the same, may establish public fountains and hydrants and discontinue the same. And said town, or any fire district or other district that is or may hereafter be established therein, or any individual or corporation, may make such contracts with it to supply water for the extinguishing of fires or for other purposes as may be agreed upon by said town, district, individual or corporation and said North Easton Water Company.

Real estate not to exceed \$20,000.

Capital stock, \$75,000.

Bonds.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding twenty thousand dollars; and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds to an amount not exceeding the amount of its capital stock actually paid in and applied to the purpose of its incorporation, and may secure the same at any time by a mortgage of its franchise and property.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the jail not exceeding one year.

Penalty for wilfully corrupting or diverting water.

SECTION 8. The said corporation may by vote from time to time fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

To determine by a vote the amount of water proposed to be taken.

SECTION 9. The said town of Easton, or the incorporated district therein known as the North Easton Village District, shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation on payment to said corporation of the total cost of its franchise, works and property of any kind, held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum, and said North Easton Village District may exercise the powers of a fire district under the general laws relating to fire districts.

Town or fire district may take property and franchise at any time.

If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. The said town or district on taking as herein provided the property of said corporation, shall assume all of its outstanding obligations including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be

If cost of operating exceeds income, excess to be added to total cost; if income exceeds cost of operating, difference to be deducted.

paid by said town or district to said corporation. In case of a foreclosure of the bonds authorized by this act, the said town or district may take possession of the property and rights of said corporation on the payment of said bonds, principal and interest. In case said town or district and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town or district, the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town or district to take possession of such franchise, corporate property, rights and privileges upon payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the taking is assented to by said town or district by a two-thirds vote of the voters of said town or said district present and voting thereon at a meeting legally called for that purpose.

Subject to assent by a two-thirds vote.

May issue bonds, etc., not exceeding \$75,000.

SECTION 10. The said town or district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Easton Water Loan, or North Easton Village District Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said town or district and be countersigned by the water commissioners hereinafter provided for. The said town or district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. And said town or district shall pay the interest upon said loan as it accrues, and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or from year to year, by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said district shall decide to establish a sinking fund, it shall contribute thereto

Bonds to be signed by treasurer and countersigned by commissioners.

May provide for payment by a sinking fund, or by annual proportionate payments.

annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said district shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall, without further vote of said district, be raised annually by taxation in the same way as money is raised for other district expenses.

SECTION 11. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken for the payment of annual proportions of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Return of statement of sinking fund, etc.

SECTION 12. After the purchase of said franchise and corporate property as herein provided, the said town or district shall raise annually by taxation a sum which, with the income derived from the sale of water, shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said district, together with such payments on the principal as may be required under the provisions of this act. Said town or district is further authorized, by assent of two-thirds of the voters of said town or district present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith not exceeding three thousand dollars in any one year.

To raise annually by income and taxation sufficient for current expenses and interest.

May enlarge water works by a two-thirds vote.

SECTION 13. Whenever a tax is duly voted by said town or district for the purposes of this act, the clerk shall render a certified copy of the vote to the assessors of the town of Easton, who shall proceed within thirty days to assess the same in the same manner in all respects as town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the same manner as is provided for the collection of town taxes, and, if a district tax, shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on taxes when overdue in the same

Taxes to be assessed and collected in same manner as town taxes.

manner as interest is authorized to be collected on unpaid town taxes: *provided*, said town or district at the time of voting to raise a tax shall so determine and shall also fix a time for the payment thereof.

Water commis-
sioners to be
elected.

SECTION 14. The said town or district shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office; one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town or district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners who shall be subject however to such instructions, rules and regulations as said town or district may impose by its vote. The said commissioners shall be the trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or district at any legal meeting called for the purpose. No money shall be drawn from the town or district treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said town or district, in writing, of their doings and expenditures.

To be trustees
of sinking fund.

Vacancies.

To make
annual report.

Meetings may
be called as by-
laws prescribe,
etc.

SECTION 15. The said town or district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called on application of seven or more legal voters in said district, by warrant from the selectmen of said town, on such notice as may be prescribed therein. The said town or district may also provide rules and regulations for the management of its water works not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

SECTION 16. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within two years from the date of its passage.

Work to be commenced within two years.

Approved April 14, 1887.

AN ACT RELATING TO ANNUAL MEETINGS AND REPORTS OF THE TRUSTEES OF STATE LUNATIC HOSPITALS. *Chap.170*

Be it enacted, etc., as follows:

Chapter eighty-seven of the Public Statutes is hereby amended by striking out section nine of said chapter, and substituting therefor a new section as follows: — *Section 9.* There shall be thorough visitations of each hospital by two of the trustees thereof monthly, and by a majority of them quarterly, and by the whole board semi-annually, at each of which a written account of the state of the institution shall be drawn up, which shall be presented at the annual meeting to be held between the first days of the months of October and November. At the annual meeting a full and detailed report shall be made, exhibiting a particular statement of the condition of the hospital and all its concerns, with a list of the salaried officers and their salaries, and in a tabular form, under the heads specified in section seven of chapter seventy-nine of the Public Statutes, the value of the stock and supplies, to be laid before the governor and council on or before the first day of November, for the use of the government; and at the same meeting the treasurer shall present to the trustees his annual report on the finances of the institution; both of which reports shall be made up to the thirtieth day of September inclusive. The trustees shall audit the report of the treasurer, and transmit it with their annual report to the governor and council.

Annual reports of the trustees of state lunatic hospitals.

Approved April 14, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF SPRINGFIELD. *Chap.171*

Be it enacted, etc., as follows:

SECTION 1. The justice of the police court of Springfield shall receive an annual salary of two thousand dollars.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1887.

Chap.172 AN ACT TO AUTHORIZE THE MILFORD ELECTRIC LIGHT AND POWER COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows :

May increase capital stock.

SECTION 1. The Milford Electric Light and Power Company, incorporated under the provisions of chapter two hundred and forty-three of the acts of the year eighteen hundred and eighty-six, is hereby authorized to increase its capital stock to the amount of sixty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1887.

Chap.173 AN ACT TO SECURE THE PROPER VENTILATION OF FACTORIES AND WORKSHOPS.

Be it enacted, etc., as follows :

Proper ventilation for factories and workshops.

SECTION 1. Every factory in which five or more persons are employed, and every workshop in which children, young persons or women, five or more in number, are employed, shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, so far as is practicable, all the gases, vapors, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

Inspector of factories to see that provisions are enforced.

SECTION 2. If in a factory or workshop included in section one of this act any process is carried on by which dust is generated and inhaled to an injurious extent by the persons employed therein, and it appears to an inspector of factories that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, and that the same could be provided without excessive expense, such inspector may direct a fan or other mechanical means of a proper construction to be provided within a reasonable time, and such fan or other mechanical means shall be so provided, maintained and used.

Penalty.

SECTION 3. Any person employing labor in a factory or workshop and violating any provision of this act shall be punished by fine not exceeding one hundred dollars; but no criminal prosecution shall be made for any such

violation unless such employer shall have neglected for four weeks to make such changes in his factory or workshop as shall have been ordered by an inspector of factories by a notice in writing delivered to or received by such employer.

Approved April 14, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE FOURTH DISTRICT COURT OF EASTERN MIDDLESEX. *Chap.174*

Be it enacted, etc., as follows :

SECTION 1. The clerk of the fourth district court of eastern Middlesex shall receive an annual salary of eight hundred dollars. Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE MUNICIPAL COURT OF THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON. *Chap.175*

Be it enacted, etc., as follows :

SECTION 1. The clerk of the municipal court of the Charlestown district of the city of Boston shall hereafter receive an annual salary of thirteen hundred dollars. Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1887.

AN ACT TO AUTHORIZE THE BURNHAM INDUSTRIAL FARM OF NEW YORK TO HOLD REAL ESTATE IN THIS COMMONWEALTH. *Chap.176*

Be it enacted, etc., as follows :

SECTION 1. The Burnham Industrial Farm, incorporated by a special act of the legislature of the state of New York, for charitable purposes, is hereby authorized to hold real estate in this Commonwealth, for the purposes for which it was incorporated: *provided*, that the annual income or rental value of such real estate shall not exceed the sum of one thousand dollars. May hold real estate in this Commonwealth. Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1887.

Chap.177 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A RESERVE POLICE FORCE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Board of police for Boston may appoint a reserve police force.

SECTION 1. The board of police for the city of Boston may, from time to time as authorized by said city and under such rules as the civil service commissioners of the Commonwealth prescribe, appoint suitable persons to constitute a reserve police force for said city, who shall be subject to such rules and regulations as the board of police may from time to time prescribe, and who may be removed by said board for any reason satisfactory to it. Said board of police may assign the members of said reserve police force to duty in said city whenever and for such time as it shall deem necessary, and when on duty they shall have and exercise all the powers and duties held and exercised by the police of said city.

Appointments upon the regular force to be made from reserve.

SECTION 2. All appointments upon the regular police force of said city shall be made from the reserve police force, under such rules as the civil service commissioners of the Commonwealth may prescribe ; and service on the reserve police force for not less than six months shall be deemed to be equivalent to the probationary period now required by the rules of said commissioners.

Compensation.

SECTION 3. The members of the reserve police force shall be paid by the city of Boston when on duty such compensation, not exceeding two dollars and fifty cents per day, as the board of police may from time to time prescribe.

SECTION 4. This act shall take effect upon its passage.

Approved April 14, 1887.

Chap.178 AN ACT TO PROVIDE FOR PENSIONING MEMBERS OF THE BOSTON POLICE DEPARTMENT.

Be it enacted, etc., as follows :

Disabled members may be retired and pensioned.

SECTION 1. The board of police for the city of Boston, by the affirmative vote of all the members and with the approval of the mayor, may retire from office any member of the police department who has become disabled while in the actual performance of duty, or any member who has performed faithful service in the department for a period of not less than fifteen consecutive years, and place the member so retired upon a pension

roll. No such member shall be placed on the pension roll unless it shall be certified to the board in writing by the city physician that such member is permanently incapacitated either mentally or physically from performing his duty as a member of the department. In case of total permanent disability caused in or induced by the actual performance of his duty, the amount of annual pension shall be one-half of the annual compensation of the office from which he is so retired, or such less sum as the said board may determine. The pension of a member who has served fifteen or more consecutive years shall be an amount not exceeding one-third the annual salary or compensation of the office from which he is retired, as the said board may determine.

SECTION 2. If any member of the said police department shall die from injuries received while in the discharge of his duty and shall leave a widow, or if no widow any child or children under the age of sixteen years, a sum not exceeding three hundred dollars may be paid by said city as an annuity to such widow so long as she remains unmarried, or for the benefit of any such child or children so long as he or they continue under the age of sixteen years, and the board of police may from time to time determine the amount of such annuity within said limits.

In case of death, annuity may be paid to widow, etc.

SECTION 3. Section five of chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-eight is hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved April 14, 1887.

AN ACT TO PROVIDE FOR THE FREE INSTRUCTION OF DEAF MUTES *Chap. 179*
OR DEAF CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. With the approval of the board of education the governor may send such deaf mutes or deaf children as he may deem fit subjects for education, for a term not exceeding ten years in the case of any pupil, to the American Asylum at Hartford, the Clarke Institution for Deaf Mutes at Northampton, or to the Horace Mann School at Boston, or to any other school for deaf mutes in the Commonwealth, as the parents or guardians may prefer: and with the approval of the board he may make at the expense of the Commonwealth such provision for

Free instruction for deaf mutes or deaf children.

the care and education of children, who are both deaf mutes and blind, as he may deem expedient. In the exercise of the discretionary power conferred by this act no distinction shall be made on account of the wealth or poverty of the parents or guardians of such children; no such pupil shall be withdrawn from such institution or school except with the consent of the proper authorities thereof or of the governor, and the sums necessary for the instruction and support of such pupils in such institution or school shall be paid by the Commonwealth: *provided, nevertheless*, that nothing herein contained shall be held to prevent the voluntary payment of the whole or any part of such sums by the parents or guardians of said pupils.

Repeal.

SECTION 2. Section sixteen of chapter forty-one of the Public Statutes and chapter two hundred and forty-one of the acts of the year eighteen hundred and eighty-six are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1887.

Chap.180 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF SOMERVILLE.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The justice of the police court of Somerville shall receive an annual salary of fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1887.

Chap.181 AN ACT RELATING TO THE INCORPORATION AND LOCATION OF THE LOWELL AND DRACUT STREET RAILWAY COMPANY, AND TO AUTHORIZE SAID COMPANY TO ISSUE MORTGAGE BONDS AND TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

Certificate of incorporation ratified and confirmed.

SECTION 1. The certificate issued by the secretary of the Commonwealth, on the first day of July in the year eighteen hundred and eighty-six, certifying that August Fels, Solomon Backman, John Ames, Daniel G. Skillings, George Hamblet, Percy Parker, John F. Callahan, Walter M. Sawyer, Joseph P. Thompson, Daniel Walker, Oliver J. Coburn, John Carroll, C. W. Cheney, H. R. Barker, James Sparks and others, their associates and successors, were legally established as a corporation, under the name

of the Lowell and Draeut Street Railway Company, for the purpose of locating, constructing, maintaining and operating a street railway for the conveyance of passengers, with all the powers, privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which then were or thereafter might be in force, relating to street railway companies, is ratified and confirmed, and said corporation shall be deemed and taken to have been then duly established, and it shall exercise and enjoy the aforesaid powers and privileges, and shall be subject to the aforesaid duties, liabilities and restrictions, except so far as the same are modified and controlled by the provisions of this act.

SECTION 2. All locations heretofore granted to said corporation by the board of aldermen of the city of Lowell and the selectmen of the town of Draeut, are ratified and confirmed, and shall be deemed and taken to have been duly granted, and said corporation shall have the power to construct, maintain and use its tracks thereon, subject to the provisions of section forty-eight of chapter one hundred and thirteen of the Public Statutes.

Locations ratified and confirmed.

SECTION 3. Said corporation, for the purpose of constructing, equipping and operating its road and any extensions thereof, heretofore or that may hereafter be granted to it, is hereby authorized to increase its capital stock to an amount not exceeding one hundred thousand dollars, at such times and such amounts as a majority in interest of its stockholders, at a meeting called for that purpose, may from time to time determine; such increased capital to be paid in in cash, and a certificate showing the amount of such increase shall forthwith be filed in the office of the secretary of the Commonwealth, and said corporation may use any surplus at any time existing in constructing and equipping its railway.

May increase capital stock.

SECTION 4. Said corporation may construct, maintain and use its railway, with suitable and convenient spurs, curves, turnouts and side tracks in such of the streets of said city and the highways of the towns of Draeut, Tyngsborough, Chelmsford, Tewksbury and Billerica, as locations thereon may hereafter from time to time be granted by the board of aldermen of said city and the selectmen of said respective towns.

May have locations granted certain other towns.

SECTION 5. Said corporation may from time to time, by vote of a majority in interest of its stockholders, at a

May issue bonds.

Bonds not to exceed one-half amount of capital stock.

meeting called for that purpose, issue coupon or registered bonds to an amount not exceeding fifty thousand dollars, for a term not exceeding twenty years, provided the amount of bonds so issued under the provisions of this act shall at no time exceed one-half of the amount of capital stock actually subscribed for and paid in at par at that time; and to secure payment thereof with interest thereon said company may make a mortgage of its road and franchise and any part or all of its other property, and may include in such mortgage property thereafter to be acquired, and may in such mortgage reserve to its directors the right to sell, or otherwise in due course of business dispose of, property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value be substituted in lieu thereof.

Bonds to be approved and certified.

SECTION 6. All bonds so issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

SECTION 7. This act shall take effect upon its passage.

Approved April 14, 1887.

Chap. 182 AN ACT TO AUTHORIZE THE LOWELL HORSE RAILROAD COMPANY TO ISSUE MORTGAGE BONDS.

Be it enacted, etc., as follows:

May issue bonds secured by mortgage.

SECTION 1. The Lowell Horse Railroad Company, by a vote of the majority in interest of its stockholders at a meeting called for that purpose, may issue coupon or registered bonds to an amount not exceeding fifty thousand dollars, for a term not exceeding twenty years from the date thereof, and to secure the payment of said bonds with interest thereon the said company may make a mortgage of its road and franchise and any part or all of its other property and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business, dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value be substituted in lieu thereof.

Bonds to be approved and certified.

SECTION 2. All bonds so issued shall first be approved by some person appointed by the corporation for that pur-

pose, who shall certify upon each bond that it is properly issued and recorded.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1887.

AN ACT TO REPEAL SECTION TWENTY-FOUR OF CHAPTER ONE HUNDRED AND FIFTY-TWO OF THE PUBLIC STATUTES RELATING TO THE HOLDING OF THE TERMS OF THE SUPERIOR COURT FOR CRIMINAL BUSINESS.

Chap. 183

Be it enacted, etc., as follows:

Section twenty-four of chapter one hundred and fifty-two of the Public Statutes is hereby repealed. Repeal.

Approved April 14, 1887.

AN ACT RELATIVE TO THE CONFIRMATION OF PROCEEDINGS OF THE HOUSE OF THE GOOD SHEPHERD, IN BOSTON.

Chap. 184

Be it enacted, etc., as follows:

SECTION 1. The election of John J. Williams, William Byrne, Charles F. Donnelly, Bernard Foley, Owen Nawn, John Miller, John W. McDonald, Anne Charlton, Bridget Stokes, Mary McGail, Ellen Donnelly, Barbara Seibert, Ellen Hobbs, Eleanor Gannon, Margaret Donnelly, Rose Connors, and Lucy McGowan, as members of the corporation of the House of the Good Shepherd, a body corporate, located at Boston, is confirmed and made valid; and said persons may, at a meeting called for the purpose, by vote confirm any proceeding of said corporation so far as the same was affected by any defect or irregularity in the manner or time of the calling or holding of any meetings of the corporation, the election of its members or officers, the qualification of its officers, the amendment of its articles of association or by-laws; said persons may, at the meeting called as hereinafter provided, or at any subsequent meeting, alter, amend or repeal any by-law by vote of the majority of those present and voting thereon; and said corporation shall be held to continue and exist as a legal and valid corporation notwithstanding any such defect or irregularity.

Election of members of corporation confirmed.

Meeting may be called for confirmation of proceedings.

SECTION 2. A meeting of the corporation under the preceding section may be called by any two of the persons therein named by notice, stating the time, place and purpose of said meeting, a copy of which notice shall, seven days at least before the day appointed for the meeting,

Meeting may be called by any two of the corporators.

be given to each of said persons in hand or left at his or her last or usual place of residence.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1887.

Chap.185 AN ACT AUTHORIZING THE EASTERN RAILROAD COMPANY TO ISSUE
ADDITIONAL BONDS.

Be it enacted, etc., as follows:

May issue bonds
for payment of
certain notes,
etc.

SECTION 1. The Eastern Railroad Company may issue bonds, not secured by mortgage or pledge of property, for the purpose of paying its notes secured by mortgage of lands in Charlestown and of paying the mortgage bonds of the Essex Railroad Company. Said bonds may be issued in sums of not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof and bearing interest payable annually or semi-annually not exceeding six per cent. a year, to an amount not exceeding in all the sum of nine hundred thousand dollars, and may be issued by vote of the directors at such times, in such manner and to such amounts as they may from time to time determine.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1887.

Chap.186 AN ACT TO AMEND AN ACT TO INCORPORATE THE BARRE LIBRARY
ASSOCIATION.

Be it enacted, etc., as follows:

Charter
amended.

SECTION 1. Section two of chapter one hundred and five of the acts of the year eighteen hundred and eighty-five is hereby amended by striking out the words "and all real estate which shall be procured by said corporation for the use and accommodation of the public library of said town of Barre, after it shall have been prepared and fitted for the reception of said library, may continue to be held by said corporation and appropriated to said use or shall be conveyed to said town, as said town at a legal meeting called for the purpose shall by vote determine."

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1887.

AN ACT TO CHANGE THE NAME OF THE GARDNER LIBRARY ASSO- *Chap.187*
CIATION.

Be it enacted, etc., as follows:

SECTION 1. The name of the Gardner Library Association, organized under the general laws, the nineteenth day of June in the year eighteen hundred and eighty-four, is hereby changed to The Levi Heywood Memorial Library Association. Name changed.

SECTION 2. Said corporation shall have authority to hold real and personal estate to the amount of eighty thousand dollars for the purposes of its organization, exclusive of books, papers, collections in natural history and works of art. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1887.

AN ACT TO INCORPORATE THE COMMONWEALTH SAFE DEPOSIT AND *Chap.188*
TRUST COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Thomas N. Hart, Nathaniel J. Rust, Spencer W. Richardson, Leopold Morse, Ebenezer M. McPherson, Albert E. Pillsbury, George L. Damon, John Goldthwait, Charles H. Dill 2d, John Shepard, John W. Leighton, Charles H. Allen, William F. Parker, Joseph H. Gray, Alfred S. Woodworth, Charles A. Morss, their associates and successors, are made a corporation by the name of the Commonwealth Safe Deposit and Trust Company, to be located at Boston, for the purpose of receiving on deposit, storage or otherwise, moneys, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, upon such terms or conditions as may be obtained or agreed upon, and of investing moneys so received, and at the request of any depositor of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, and for the purpose of loaning money on real and personal security, and issuing letters of credit on terms that may be agreed upon, and for

Commonwealth Safe Deposit and Trust Company, incorporated.

the purpose of borrowing or receiving money and investing the same; and all the powers and privileges necessary for the execution of these purposes are granted, subject nevertheless to the duties and restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes and in all the general laws which now are or hereafter may be in force in relation to such corporations.

Reserve to be at least fifteen per cent. of deposits withdrawable on demand.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below said per centum of such deposits, it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: *provided*, that in lieu of lawful money one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth, or from any other trust company established under the laws of and doing business within the Commonwealth, and one-third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation, or of notes payable on demand secured by pledge of such bonds.

Proviso.

Court may order moneys, etc., under its control to be deposited, etc.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this state, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or property received under the provisions of this section shall be loaned on or invested only in the authorized loans of the United States, or of any of the

Proviso.

Investment of such property held in trust or on deposit.

New England states, or cities or counties or towns thereof, or of the states of Illinois, Iowa, Michigan, Minnesota and Wisconsin, or the cities thereof, or stocks of state or national banks organized within this Commonwealth, or in the bonds of any railroad company which has earned and paid regular dividends on its stock for five years next preceding such loan or investment, or in the bonds of any railroad company in the New England states unencumbered by mortgage which has earned and paid regular dividends on its stock for two years next preceding such loan or investment, or in first mortgages on real estate, not exceeding in amount one-half the fair valuation thereof, to be certified by two or more of the finance committee, or in any securities in which savings banks are allowed to invest, or upon notes, with two sureties, of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgages or by levy of execution, shall be sold within five years after such foreclosure or levy: *provided, also,* that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, and the investment or loans of them, shall be specially appropriated to the security and payment of such deposits and not to be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department into which all business authorized by this section shall be kept separate and distinct from its general business.

Real estate acquired by foreclosure or by levy to be sold within five years.

SECTION 4. Said corporation may also be appointed trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, hereafter referred to, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns

May be appointed trustee under any will or instrument creating a trust.

and other papers may be signed and sworn to in behalf of the corporation by any officer thereof duly authorized by it, and the answers and examinations, under oath, of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys, or to execute any trust, contrary to its own desire.

Not to be required to hold property against its own desire.

Investment of trust property.

SECTION 5. In the management of money and property held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company referred to in section three of this act: *provided*, that it shall be competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

Moneys received under fourth and fifth sections not to be mingled with investments of capital stock.

SECTION 6. No money, property or securities received or held by said company under the provisions of sections four and five of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Limit of liability to corporation.

SECTION 7. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall at no time exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up, and one-tenth part of its deposits. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

To make semi-annual returns to commissioners of savings banks.

SECTION 8. Said corporation shall semi-annually make a return to the commissioners of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a

majority of its board of directors; and said returns shall specify the following, namely: Capital stock; amount of all moneys and property in detail in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgages of real estate; cash on hand; all as existing at the date of making such returns, with the rate, amount and date of dividends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Such returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of Boston at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners.

Commissioners
to have access to
vaults, books
and papers.

SECTION 9. Said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes, and any acts now existing, or which may hereafter be passed, in amendment or lieu thereof.

Subject to provi-
sions of P. S. 13.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in

To make annual
return to tax
commissioner of
property held in
trust.

this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

To make return to tax commissioner of moneys deposited on interest or for investment.

SECTION 11. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the tenth and thirteenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Taxes not to be assessed in towns, etc., where beneficiaries reside.

SECTION 12. No taxes shall be assessed in any city or town for state, county or town purposes upon or in respect of any such property held in trust or any such amounts deposited on interest or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for bene

ficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections one, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of the Public Statutes and acts in amendment or lieu thereof, so far as the same are applicable thereto.

SECTION 13. Deposits with said corporation which can be withdrawn on demand or within ten days, shall, for purposes of taxation, be deemed money in possession of the person to whom the same is so payable.

Taxation of deposits withdrawable on demand.

SECTION 14. The said corporation is also authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon, and may also act as trustee or financial or other agent for any person or firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans and to sell and negotiate the sale of securities, and may also act as trustee for the bondholders of corporations, and to this end is empowered to receive transfers of real and personal property upon such terms as may be agreed upon.

May act as agent for issuing bonds, etc.

SECTION 15. The capital stock of said corporation shall be two hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding one million dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Capital stock.

SECTION 16. Said corporation shall be entitled to purchase and hold real estate in the city of Boston, suitable for the transaction of its business, to an amount not exceeding in value fifty per cent. of the capital stock; and the balance of the capital stock shall be invested only in the investments authorized by section three of this act in the case of moneys or property held in trust or on deposit.

Real estate in Boston.

SECTION 17. The shareholders of said corporation shall be held individually liable, equally and ratably, and not

Liability of shareholders.

one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one inclusive, shall apply to and regulate the enforcement of this liability.

SECTION 18. The shares of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall, for that purpose, ordain and establish, and not otherwise.

SECTION 19. This act shall take effect upon its passage.

Approved April 15, 1887.

Chap. 189 AN ACT TO PROVIDE BETTER ACCESS TO THE STATION OF THE BOSTON AND ALBANY RAILROAD COMPANY IN THE TOWN OF PALMER.

Be it enacted, etc., as follows:

SECTION 1. The Boston and Albany Railroad Company shall construct and maintain a footway or other additional approach to its station in the town of Palmer, for the accommodation of persons travelling on foot between said station and Main street in said town. The board of railroad commissioners after hearing all persons in interest shall order and determine the location and manner of the construction thereof, but no such footway or other approach to said station shall cross the tracks of said company at grade.

SECTION 2. The cost of the construction of said footway or other approach shall be borne by said company.

SECTION 3. This act shall take effect upon its passage.

Approved April 15, 1887.

Chap. 190 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE DISTRICT COURT OF CENTRAL BERKSHIRE.

Be it enacted, etc., as follows:

SECTION 1. The justice of the district court of Central Berkshire shall receive an annual salary of sixteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1887.

Shares to be assignable and transferable.

To maintain a footway, etc., to station in Palmer.

Not to cross tracks at grade.

Cost to be borne by the company.

Salary of justice.

AN ACT EXTENDING THE TIME FOR WHICH RAILROAD CORPORATIONS MAY ISSUE BONDS. *Chap.191*

Be it enacted, etc., as follows :

SECTION 1. Section sixty-two of chapter one hundred and twelve of the Public Statutes is hereby amended by striking out in the eighth line thereof the word "twenty" and inserting in place thereof the word : — fifty, — so that the clause shall read as follows : — Such bonds may be issued in sums of not less than one hundred dollars each, payable at periods not exceeding fifty years from the date thereof.

Time extended for issuing bonds by railroads.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1887.

AN ACT TO INCORPORATE THE BRIDGEWATERS WATER COMPANY. *Chap.192*

Be it enacted, etc., as follows :

SECTION 1. Benjamin C. Mudge, George Alexander, Edward P. Usher, Kimball E. Sheldon, B. W. Harris, Isaac N. Nutter, Robert O. Harris, Albert Harding, Isaac N. Keith, Samuel Keith, William H. Osborne, Samuel P. Gates, Zebulon Pratt, James C. Leach, Edward Sawyer, Joshua E. Crane, John H. Fairbanks and William Prophett, their associates and successors, are hereby made a corporation by the name of the Bridgewater Water Company for the purpose of supplying the inhabitants of the towns of Bridgewater and East Bridgewater with water for domestic, manufacturing and other purposes, including the extinguishment of fires, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be enforced, so far as the same may be applicable to such corporations.

Bridgewater Water Company incorporated.

SECTION 2. The said corporation may take by purchase or otherwise and may hold and convey through the towns of Bridgewater and East Bridgewater, or any part of said towns, the water, so far as may be necessary for such purposes, of any well, spring or stream within said towns of Bridgewater and East Bridgewater or either of them, and may take by purchase or otherwise and hold any real estate within said towns necessary for the purposes of preserving and purifying the same, or for erecting any dams or reservoirs for holding the same, and for

May take water in Bridgewater and East Bridgewater.

laying and maintaining aqueducts or pipes for distributing the water so taken and held; and may lay its water pipes through any private lands, with the rights to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections, and for the purposes aforesaid may carry its pipes over or under any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up any road and other way under the directions of the selectmen of said town or towns for the purpose of laying or repairing its aqueducts, pipes or other works, and in general may do any other thing convenient or proper for carrying out the purposes of this act.

May enter upon and dig up roads under direction of selectmen.

To cause to be recorded in the registry of deeds a description of lands, etc., taken.

SECTION 3. The said corporation shall within sixty days after the taking of any lands, right of way or easements, water rights or sources, as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Plymouth a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of said corporation.

Damages.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easements or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid by reason of anything done by said corporation under this act, and failing to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application therefor made within the period of three years from the taking of such land or other property, or the doing of other injury as aforesaid under the authority of this act; but no such application shall be made after the expiration of said three years. No application for the assessment of damages for the taking of any water, water source or water right, shall be made until the water is actually withdrawn or diverted by said corporation under the authority of this act. The county commissioners for the county of Plymouth shall, upon application of the owner of any land, water, water

No application to be made for damages until water is actually diverted.

sources, water rights or easements taken by said corporation under the authority of this act, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land and other property and rights so taken; but previous to requiring such security the said commissioners, if application therefor is made by either party, shall make an estimate of the damages which may result from such taking; and the said county commissioners shall in like manner require further security, if at any time during the progress of the work of constructing said water works the security before required appears to them to be or to have become insufficient or inadequate, and all the right or authority hereby granted to said corporation to enter upon or to use such land, water, water sources, water rights or easements, except for making surveys, shall be suspended until such security is given and accepted.

Security for payment of damages may be required.

SECTION 5. The said corporation may distribute water, as aforesaid secured and provided, through the said towns of Bridgewater and East Bridgewater, may regulate the use of said water and fix and collect the rates to be paid for the use of the same, and may make such contracts with the said towns or either of them, or with any fire district which is or may hereafter be established therein, or with any individual or corporation, to supply water for domestic, manufacturing and other private purposes, and for the extinguishment of fires and other public purposes as may be agreed upon by said towns, or either of them, or such fire district, individual or corporation and said corporation. But no work shall be commenced on said water works until a contract shall have been made with said towns or one of them, or with such fire districts or fire district as provided in this section.

May regulate use of water, and fix and collect water rates.

SECTION 6. The said corporation may for the purposes set forth in this act hold real estate not exceeding in amount ten thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each. Said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, and secure the same by a mortgage on its franchise, corporate property and rights to an amount

Real estate, capital stock and shares.

not exceeding its capital stock actually paid in and applied to the purposes of this act.

Penalty for wilfully corrupting or diverting water.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken or held under the provisions of this act, or injures any structure, work or property constructed, made, held or used for the purposes of and under the authority of said act, shall forfeit and pay to the proprietors of the water works for the time being three times the actual damages assessed therefor, to be recovered in an action of tort, and upon conviction of either of the above-named wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the jail not exceeding one year.

Towns may at any time take property and franchise at cost.

SECTION 8. The said towns of Bridgewater and East Bridgewater or either of them shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation on payment to said corporation of the total cost of its franchise, works and property of any kind, held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works that year, then such excess shall be deducted from the total cost. The said towns or town, on taking as herein provided the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized in this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town or towns to said corporation. In case said towns or town and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said towns or town, the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said towns or town to take possession of such fran-

If parties cannot agree upon cost of property, the court to fix the amount.

chise, corporate property, rights and privileges upon payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the taking or purchase shall be authorized by a two-thirds vote of the voters of the town making such purchase, or taking such franchise and property singly, and of each of said towns, if they unite in such purchase or taking, present and voting thereon at a meeting or meetings, as the case may be, legally called for that purpose: *provided, however*, that neither of said towns shall purchase said franchise, corporate property, rights, powers and privileges, until it shall have first given the other of said towns one year's notice of its decision to make such purchase, by delivering to the town clerk of such other town certified copies of its proceedings at the meeting at which such decision was made, to the end that such other town may, if it shall so elect at any time within said one year, join in such purchase; and if either of said towns shall make said purchase alone, as hereinbefore provided, it shall continue to supply such other town or any fire district now existing therein, or which may hereafter be formed therein, with water to the same extent to which they may be supplied at the time of such purchase, and it shall supply individuals and corporations in such other town with water for domestic and other purposes, to the same extent to which they may be supplied at the time of such purchase, upon the same terms and at the same rates established by said corporation and existing and in force at the time of such purchase, or to which they may be reduced by the town making such purchase, and the terms and rates for all water supply shall be the same in both towns and shall not be increased above those existing and in force at the time of such purchase, unless both of said towns and such fire district supplied with water shall agree thereto at meetings legally called for that purpose.

Subject to a two-thirds vote.

Water rates to be the same in both towns.

SECTION 9. The said towns may, if they shall elect to join in such purchase as before provided, each of them, for the purpose of paying the cost of said franchise, corporate property, rights, powers and privileges and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate for each town fifty thousand dollars; such notes, bonds or

May issue bonds, notes or scrip.

Bonds payable
not exceeding
thirty years
from date of
issue.

scrip, issued by the town of Bridgewater, shall bear on their face the words Bridgewater Water Loan, and such bonds, notes or scrip issued by East Bridgewater shall bear on their face the words East Bridgewater Water Loan, and all such bonds, notes or scrip so issued by said towns shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and countersigned by the water commissioners, hereinafter provided for, of the town issuing the same. If either of said towns shall make said purchase alone, as before provided, it may, for the purpose of paying the cost of said franchise, corporate property, rights, powers and privileges and the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip so issued shall bear on their face the words Bridgewater Water Loan, if the town of Bridgewater make such purchase, or the words East Bridgewater Water Loan, if the town of East Bridgewater make such purchase, and shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and countersigned by the water commissioners of said town. The said towns if they shall unite in such purchase may each of them, and either of them if making such purchase singly, sell such bonds, notes or scrip issued as before provided, at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as such towns or town may deem proper. The said towns or either of them issuing bonds, notes or scrip, as hereinbefore provided, shall provide at the time of contracting such loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulation thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

To establish a
sinking fund.

May make an-
nual proportion-
ate payments

SECTION 10. The said towns or town issuing bonds, notes or scrip under the provisions of this act, each

of them, instead of establishing a sinking fund as before provided, may, at the time of authorizing such loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time before provided in this act, and when such provision has been made by vote of such town the amount required thereby shall be assessed in each year thereafter by the assessors of such towns or town until such debt shall be paid, without further vote, in the same manner as other taxes are assessed under the provisions of chapter eleven of the Public Statutes.

instead of establishing sinking fund.

SECTION 11. If said towns shall become the joint purchasers of said franchise, corporate property, rights, powers and privileges as provided in this act, they shall each of them as soon as may be, at a legal meeting called for that purpose, elect by ballot three persons who shall constitute a board of water commissioners for such town, one of whom shall hold his office until the expiration of three years, one until the expiration of two years, one until the expiration of one year from the next succeeding annual meeting, and until their respective successors are chosen and qualified; and at each annual election of town officers thereafter one such commissioner shall be elected by ballot, who shall hold office for three years and until his successor is elected and qualified. In case of a vacancy in such office such town may, at any meeting called for that purpose, elect a commissioner to hold office for the unexpired term of the commissioner retiring. All the authority granted to said towns by this act and not herein otherwise especially provided for shall be vested in the said water commissioners, and the two boards so elected shall constitute one board and shall jointly have control and management of said water works; and a majority of said joint board shall constitute a quorum for the transaction of business relating to the care, management and operating of said water works, subject however to such instructions, rules and regulations as said towns may from time to time adopt for their government. Said commissioners shall collect all water rates and dues, pay all expenses of operating the same and all expenses for repairs and improvements thereon, and annually, or oftener, if required by the said towns, pay over one-half of the net revenue arising from said water works to the treasurer of each of said towns, and make full report of the moneys received and

Water commissioners to be elected by each town.

Vacancies.

Joint board of commissioners to have control of the works, to collect water rates, etc.

To be trustees of the sinking fund.

expended by them. The board of water commissioners chosen by each town shall be trustees of the sinking fund of the town for which they are chosen and a majority shall constitute a quorum for the transaction of business relative to the sinking fund.

If one town becomes sole purchaser of franchise, etc., new water commissioners to be elected.

If one of said towns shall become the sole purchaser of said franchise, corporate property, rights, powers and privileges, as hereinbefore provided, such town shall, as soon as may be after such purchase, elect by ballot three persons who shall constitute a board of water commissioners, one of whom shall hold office until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual meeting, and until their respective successors are elected and qualified, and at each annual election of town officers thereafter one such commissioner shall be elected by ballot, who shall hold office until his successor is elected and qualified. Vacancies in said board shall be filled in the manner before provided in this section. All authority granted to such town by this act and not herein otherwise specifically provided for shall in such case be vested in and exercised by said water commissioners, who shall be subject however to such instructions, rules and regulations as said town may, from time to time, adopt. The said commissioners shall in such case be trustees of the sinking fund of such town herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to said water works and to said sinking fund.

Vacancies.

Commissioners to be trustees of sinking fund.

To raise annually by taxation, etc., sufficient to meet current expenses and interest.

SECTION 12. Each of said towns, if they shall become joint purchasers of said franchise, corporate property, rights, powers and privileges, and either of said towns if it shall become the sole purchaser of the same, shall raise annually by taxation a sum which, with the net income derived from the water works after deducting the current annual expenses of operating the same, shall be sufficient to pay the interest as it accrues on the bonds, notes or scrip issued, as before provided by such town, and to make such contributions to the sinking fund of such town or the payments on the principal as may be required under the provisions of this act. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether

action has been taken for the payment of annual proportions of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

SECTION 13. If either of said towns shall elect not to become a joint or sole purchaser of said franchise, corporate property, rights, powers and privileges, any fire district now existing or which may hereafter be organized in such town, shall have the right to become a purchaser of the same jointly with the other town or the sole purchaser thereof, which such town has under the provisions of this act. If both of said towns shall elect not to become either joint or sole purchasers of said franchise, corporate property, rights, powers and privileges, the fire districts now existing or which may hereafter be organized in each of said towns, may become joint or sole purchasers of the same, and in such case, or in either case, all the provisions of this act applicable to the purchase thereof by the said towns jointly or separately, shall apply to and govern such fire district or fire districts. And any assessment required in any fire district for the purposes of carrying out the provisions of this act shall be made in the same manner as assessments in fire districts are now required to be made by existing law, or as they may be hereafter required to be made: *provided, however,* that no purchase of said franchise, corporate property, rights, powers and privileges shall be made by such fire districts, either jointly with a town or fire district, or singly, until six months after the town, in whose stead it proposes to make such purchase as herein provided, shall have voted at a meeting called for that purpose not to become such purchaser.

Right of a fire district to purchase if either town elects not to purchase.

Proviso.

SECTION 14. This act shall take effect upon its passage, but shall become void unless the work is commenced on said water works within two years from the date of its passage.

Work to be commenced within two years.

Approved April 18, 1887.

AN ACT FOR THE PROTECTION OF THE FISHERIES IN THE WATERS OF THE TOWN OF WESTPORT.

Chap. 193

Be it enacted, etc., as follows:

SECTION 1. Whoever draws, sets, stretches or uses any net, purse or seine of any kind for taking fish in the waters of the town of Westport shall be punished by fine not exceeding one hundred dollars, or by imprisonment

Fisheries regulated in the waters of town of Westport.

in the house of correction not exceeding three months, or by both fine and imprisonment; all fish so taken shall be forfeited to the Commonwealth.

Nets used contrary to act declared common nuisances.

SECTION 2. All nets, purses and seines in actual use, set or stretched in violation of this act, are declared to be common nuisances.

Not to apply to mackerel, nor to taking smelts, etc., by hand nets.

SECTION 3. Nothing contained in this act shall apply to the taking of mackerel in any way in any of the said waters, nor to the taking by hand nets of smelts, herrings or alewives in any of said waters, nor to the taking of smelts, herrings, alewives or perch in that part of Westport River north of a line drawn east and west from the south end of Cadman's Neck in said river.

Three persons to be chosen, to enforce provisions under oath.

SECTION 4. The town of Westport shall at its next annual meeting choose by ballot three suitable persons in said town, one for the term of one year, one for the term of two years and one for the term of three years from said annual meeting, and, at every annual meeting thereafter, one for the term of three years; who shall be sworn to enforce the provisions of this act.

Disposition of fines.

SECTION 5. All fines received under this act shall be paid one-half to the complainant and the other half to the Commonwealth.

SECTION 6. This act shall take effect upon its passage.

Approved April 19, 1887.

Chap. 194 AN ACT RELATING TO THE SINKING FUNDS AND THE FUNDED DEBT OF THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

May apply sinking funds to payment of funded debt.

SECTION 1. The city of Somerville is hereby authorized to apply its existing sinking funds, consisting wholly of its own bonds, and any accumulation of interest thereon, toward the payment of its existing funded debt.

May issue new bonds and establish sinking fund.

SECTION 2. The said city, availing itself of the provisions of the foregoing section, may issue new notes, bonds or scrip, from time to time, as the outstanding notes, bonds or scrip, which shall then constitute the remainder of its indebtedness, shall severally mature, for the purpose of providing for the payment of the same, and may make said notes, bonds or scrip, so issued as aforesaid, payable at a time not exceeding twenty years from the date of said issue, and shall at the time of said issue establish a sinking fund and contribute thereto from year to year an amount raised annually by taxation sufficient,

with its accumulations, to pay said notes, bonds or scrip, so issued as aforesaid, at their maturity; or, instead of providing for the payment of the said remainder of the said indebtedness in the manner just before provided, the said city may provide for its payment in such annual proportionate sums as will extinguish said indebtedness within the time hereby authorized.

May make annual proportionate payments instead of establishing sinking fund.

SECTION 3. Nothing herein contained shall exempt said city of Somerville from the provisions of chapter three hundred and twelve of the acts of the year one thousand eight hundred and eighty-five.

City not exempted from 1885, 312.

SECTION 4. This act shall take effect upon its passage.

Approved April 20, 1887.

AN ACT TO INCORPORATE THE LYNN SAFE DEPOSIT AND TRUST COMPANY. *Chap. 195*

Be it enacted, etc., as follows:

SECTION 1. John Macnair, James E. Jenkins, D. H. Sweetser, George A. Creighton, R. E. Harmon and Charles H. Baker, their associates and successors, are hereby made a corporation by the name of the Lynn Safe Deposit and Trust Company, to be located at Lynn, for the purpose of receiving on deposit, storage or otherwise, moneys, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, upon such terms or conditions as may be obtained or agreed upon, and at the request of the depositor of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, and for the purpose of loaning money on real and personal security and issuing letters of credit on terms that may be agreed upon; and all the powers and privileges necessary for the execution of these purposes are granted, subject nevertheless to the duties and restrictions and liabilities set forth in the one hundred and fifth chapter of the Public Statutes and in all the general laws which now are or hereafter may be in force in relation to such corporations.

Lynn Safe Deposit and Trust Company incorporated.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of

Reserve to be at least fifteen per cent. of deposits withdrawable on demand.

the aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below said per centum of such deposits, it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: *provided*, that in lieu of lawful money one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth, and one-third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation.

Proviso.

Court may order moneys, etc., under its control to be deposited, etc.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this state, may by decree or otherwise direct any moneys or properties under its control or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians and trustees upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or property received under the provisions of this section shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or cities or counties or towns of this state, or stocks of state or national banks organized within this Commonwealth, or in the first mortgage bonds of any railroad company incorporated by any of the New England states which has earned and paid regular dividends on its stocks for two years next preceding such loan or investment, or in the bonds of any such railroad company unencumbered by mortgages, or in first mortgages on real estate in this Commonwealth, or in any securities in which savings banks are allowed to invest, or upon notes, with two sureties, of manufacturing corporations created under the laws of this Commonwealth, or of individuals with a sufficient pledge as collateral of

Proviso.

Investment of property held in trust or on deposit.

any of the aforesaid securities; but all real estate acquired by foreclosure of mortgages or by levy of execution shall be sold at public auction within two years after such foreclosure or levy; *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, and the investment or loans of them, shall be specially appropriated to the security and payment of such deposits and not to be subject to the other liabilities of the corporation; and, for the purpose of securing the observance of this proviso, said corporation shall have a trust department into which all business authorized by this section shall be kept separate and distinct from its general business.

Real estate acquired by foreclosure or levy to be sold within two years.

SECTION 4. Said corporation may also be appointed trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances, in the same manner and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, hereafter referred to, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation by any officer thereof duly authorized by it, and the answers and examinations under oath, of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys, or to execute any trust, contrary to its own desire.

May be appointed trustee under any will or instrument creating a trust.

Not required to receive property against its own desire.

SECTION 5. In the management of money and property held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company referred to

Investment of trust property.

in section three of this act: *provided*, that it shall be competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

Moneys, etc., received under fourth and fifth sections not to be mingled with investments of capital stock.

SECTION 6. No money, property or securities received or held by said company under the provisions of sections four and five of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Limit of liability to the corporation.

SECTION 7. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall at no time exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

To make semi-annual returns to commissioners of savings banks.

SECTION 8. Said corporation shall semi-annually make a return to the commissioners of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said returns shall specify the following, namely: — Capital stock; amount of all moneys and property in detail in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgages of real estate; cash on hand; all as existing at the date of making such returns, with the rate, amount and date of divi-

dends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Such returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of Lynn at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners.

Commissioners to have access to vaults, books and papers.

SECTION 9. Said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes, and any acts now existing or which may hereafter be passed in amendment or lieu thereof.

Subject to provisions of P. S. 13.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

To make annual return to tax commissioner of property held in trust.

To make annual return to tax commissioner of moneys deposited on interest or for investment.

SECTION 11. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the tenth and thirteenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Taxes not to be assessed in towns, etc., where beneficiaries reside.

SECTION 12. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held on trust or any such amounts deposited in interest or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections one, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of the Public Statutes and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Taxation of deposits withdrawable on demand.

SECTION 13. Deposits with said corporation which can be withdrawn on demand, shall, for purposes of taxation, be deemed money in possession of the person to whom the same is payable on demand or within ten days.

May act as agent for issuing bonds, etc.

SECTION 14. The said corporation is also authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association,

municipality, state or public authority, on such terms as may be agreed upon, and may also act as trustee or financial or other agent for any person or firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans and to sell and negotiate the sale of securities, and may also act as trustee for the bondholders of corporations, and to this end is empowered to receive transfers of real and personal property upon such terms as may be agreed upon.

SECTION 15. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding three hundred thousand dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash. Capital stock.

SECTION 16. The shareholders of said corporation shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one inclusive, shall apply to and regulate the enforcement of this liability. Liability of shareholders.

SECTION 17. The shares of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall, for that purpose, ordain and establish, and not otherwise. Shares to be assignable and transferable.

SECTION 18. This act shall take effect upon its passage.

Approved April 20, 1887.

AN ACT RELATING TO INVESTMENTS BY SAVINGS BANKS.

Chap. 196

Be it enacted, etc., as follows:

Article three of section twenty of chapter one hundred and sixteen of the Public Statutes is hereby amended so as to read: — Third, In the first mortgage bonds of any railroad company incorporated under the authority of any of the New England states and whose road is located Investments which may be made by savings banks.

Investments by savings banks.

wholly or in part in the same, and which is in possession of and operating its own road and has earned and paid regular dividends for the two years next preceding such investment; or in the first mortgage bonds guaranteed by such railroad company of any railroad company so incorporated whose road is thus located; or in the bonds or notes of any railroad company incorporated under the laws of this Commonwealth and whose road is located wholly or in part therein, and is unincumbered by mortgage and which has paid a dividend of not less than five per cent. per annum for two years next preceding such investment; or in the note or notes of any citizen of this Commonwealth with a pledge as collateral of any of the aforesaid securities at no more than eighty per cent. of the par value thereof; or in the note or notes of any citizen of this Commonwealth with a pledge as collateral, shares of the capital stock of any railroad company incorporated under the authority of any of the New England states and whose road is located wholly or in part therein and which is in possession of and operating its own road and has earned and paid regular dividends of not less than five per cent. per annum on all its issues of capital stock for five years next preceding the date of such note or notes or any renewal thereof and at no more than seventy-five per cent. of the market value thereof, such note or notes to be made payable on demand and to be paid or renewed within one year of the date thereof; but street railway companies shall not be considered railroad companies within the meaning of this section.

Approved April 20, 1887.

Chap. 197 AN ACT CONCERNING THE USE OF GILL NETS OR SET NETS WITHIN ONE HALF MILE OF THE SHORES OF THE TOWN OF MATTAPOISETT.

Be it enacted, etc., as follows:

Fisheries regulated in waters within one-half mile of Mattapoisett.

SECTION 1. Section four of chapter one hundred and ninety-two of the acts of the year eighteen hundred and eighty-six is hereby amended by adding at the end thereof the following words, namely: — Or in the waters within one half mile of the shores of the town of Mattapoisett, — so that the same as amended shall read as follows, namely: — *Section 4.* Nothing contained in this act shall be construed to interfere with the corporate rights of any fishing company located on said bay, nor to in any way affect the fish weirs mentioned in section

seventy of chapter ninety one of the Public Statutes, nor to the use of nets or seines in lawful fisheries for shad or alewives in influent streams of said bay, nor to the use of set nets or gill nets in the waters of the town of Fairhaven, within a line drawn from Commorant rock southwesterly to the buoy on West island rips, and from thence westerly in a straight course through the buoy on West island ledge to the town line of Fairhaven, or in the waters within one half mile of the shores of the town of Mattapoisett.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1887.

AN ACT TO AMEND THE ACT INCORPORATING THE LENOX WATER COMPANY. Chap. 198

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-four is hereby amended so as to read as follows: — Said corporation may distribute its water throughout said town of Lenox, and throughout that portion of the town of Stockbridge which lies northeasterly of a line drawn from a point in the easterly line of said town of Stockbridge, at the northwesterly corner of the town of Lee, to the northwesterly corner of said town of Stockbridge; and may establish the rent therefor, and for this purpose may carry its conduits, pipes and drains over or under any water-course, street, railroad, highway or other way in such manner as not to obstruct the same, and may under the direction of the board of selectmen enter upon and dig up any road or way for the purpose of laying its conduits, pipes, and drains in such a manner as to cause the least hindrance to travel thereon, and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

Lenox Water Company, charter amended.

SECTION 2. Section four of said act is hereby amended so as to read as follows: — Said corporation may for the purposes aforesaid hold real and personal estate not exceeding in amount sixty-five thousand dollars, and the whole capital stock shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Real and personal estate.

SECTION 3. Section seven of said act is hereby amended so as to read as follows: — For the purpose of

Lenox Water Scrip not to exceed \$75,000.

defraying the cost of such franchise and corporate property as shall be purchased for the purposes aforesaid, the town of Lenox shall have authority to issue, from time to time, notes, scrip or other certificates of debt, to be denominated on the face thereof Lenox Water Scrip, to an amount not exceeding seventy-five thousand dollars, bearing interest payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of said scrip, notes or certificates, respectively; and said town may sell the same or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as the said town shall deem proper. Said town is further authorized to make appropriations and assess from time to time such amounts, not exceeding in any one year the sum of five thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon in the same manner as money is assessed and appropriated for other town purposes.

SECTION 4. This act shall take effect upon its passage.

Approved April 20, 1887.

Chap.199 AN ACT TO ESTABLISH THE SALARY OF THE FIRST ASSISTANT CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. Beginning with the first day of January, eighteen hundred and eighty-seven, the salary of the first assistant clerk of the superior court for civil business in the county of Suffolk shall be twenty-six hundred dollars per annum.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1887.

Chap.200 AN ACT TO AMEND AN ACT TO AUTHORIZE THE POUGHKEEPSIE, HARTFORD AND BOSTON RAILROAD COMPANY TO EXTEND ITS RAILROAD.

Be it enacted, etc., as follows:

May extend
railroad.

SECTION 1. Section one of chapter two hundred and twenty-eight of the acts of the year eighteen hundred and eighty-five is hereby amended so as to read as follows: —
Section 1. The Poughkeepsie, Hartford and Boston

Railroad Company, a corporation created by and existing under the laws of the state of New York, and its successor the New York and Massachusetts Railway Company, or any corporation which may take or succeed to the rights, privileges and immunities of either and both of said corporations, is hereby authorized to locate, construct, maintain and operate an extension of its railroad with one or more tracks from a point in the boundary line between this Commonwealth and the state of New York, through the towns of Egremont, Great Barrington and any town or towns contiguous to said Great Barrington, and through the towns of Otis, Sandisfield, Tolland, Granville, Blandford, Russell, Southwick, Westfield, Agawam and West Springfield, or any of them, to Chicopee or any intermediate point upon said route, such extension to be located, constructed and operated according to and in conformity with the provisions of the laws of this Commonwealth now existing or which may be passed with respect to railroads.

SECTION 2. The time within which said corporation may so locate and construct the extension of its railroad is hereby extended to the first day of July, eighteen hundred and ninety-one, and all acts and parts of acts conferring upon the said corporation and its successors franchise, rights, powers, privileges, authorities and immunities are hereby confirmed and continued in force.

Time extended for location and construction.

SECTION 3. This act shall take effect upon its passage.

Approved April 20, 1887.

AN ACT TO AUTHORIZE THE SALE TO THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY OF THE SPRINGFIELD AND NEW LONDON RAILROAD, AND OF CERTAIN PROPERTY OF THE BOSTON AND ALBANY RAILROAD COMPANY IN SPRINGFIELD.

Chap. 201

Be it enacted, etc., as follows:

SECTION 1. The Springfield and New London Railroad Company is hereby authorized, by a vote of a majority in interest of its stockholders at a meeting called for the purpose, to sell and convey to the New York and New England Railroad Company all or any part of its franchises, rights, privileges and property, real or personal.

Springfield and New London Railroad may, by a majority vote, sell franchise and property.

SECTION 2. The Boston and Albany Railroad Company is hereby authorized by a vote of the directors to sell and convey to the New York and New England Railroad Company all or any part of the railroad property, formerly

Certain property formerly of the Springfield and Northeastern Railroad may be sold.

the property of the Springfield and Northeastern Railroad Company, lying between Spring street in the city of Springfield and the crossing of the railroad tracks formerly of the Springfield and Northeastern Railroad Company over the main track of the Boston and Albany Railroad Company, together with all the franchises, rights and privileges appertaining to said railroad property.

New York and New England to hold property and franchises upon conveyance made.

SECTION 3. Upon a conveyance to the New York and New England Railroad Company of the franchises, rights, privileges and property mentioned in sections one and two or any part or parts thereof, the New York and New England Railroad Company shall be possessed of the franchises, rights, privileges and property conveyed, and may have, hold and use the same in its own name and right as a portion of its railway line and property, subject to all the duties and liabilities to which the property conveyed was subject when owned by the company conveying the same, and to all the general laws then or thereafter in force relating to railroad corporations.

SECTION 4. This act shall take effect upon its passage.

Approved April 20, 1887.

Chap. 202 AN ACT IN RELATION TO THE RETURN AND RECORD OF BIRTHS, MARRIAGES AND DEATHS.

Be it enacted, etc., as follows:

Births, marriages and deaths.
Amendment to P. S. 37, § 5.

SECTION 1. Section five of chapter thirty-seven of the Public Statutes is hereby amended by inserting the word: — deaths, — after the word “births” in the fourth line thereof, so that the same shall read: — also any records of births, deaths and marriages kept by such city or town or by a parish within the same.

Amendment to P. S. 32, § 4.

SECTION 2. Section four of chapter thirty-two of the Public Statutes is hereby amended by adding at the end thereof the words: — all such returns shall be preserved by said clerk or registrar, and filed, arranged and indexed conveniently for examination and reference.

Amendment to P. S. 145, § 24.

SECTION 3. Section twenty-four of chapter one hundred and forty-five is hereby amended by adding at the end thereof the words: — all such returns shall be preserved by said clerk or registrar, and filed, arranged and indexed conveniently for examination and reference.

Provisions §§ 2, 3 of this act to apply to returns of marriages and

SECTION 4. The provisions of sections two and three of this act shall apply to all returns of marriages and

deaths now in the offices of town and city clerks and city registrars. deaths now in offices of city and town clerks.

SECTION 5. Section one of chapter thirty-two of the Public Statutes is hereby amended by inserting after the word "burial" in the twentieth line of said section the words:—if the deceased was a married woman the name of her husband. Amendment to P. S. 32, § 1.

SECTION 6. This act shall take effect upon its passage.

Approved April 20, 1887.

AN ACT TO INCORPORATE THE ATTLEBOROUGH AGRICULTURAL ASSOCIATION. *Chap. 203*

Be it enacted, etc., as follows:

SECTION 1. Elisha G. May, Thomas A. Barden, William M. Fisher, Elton I. Franklin, Isaac Alger, Joseph G. Barden, James J. Horton, their associates and successors within the towns of Attleborough, Wrentham, Foxborough, Rehoboth, Franklin, Mansfield and Norton, are hereby made a corporation under the name of the Attleborough Agricultural Association, located at Attleborough, for the encouragement of agriculture, horticulture and the arts, by premiums and other means, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all the general laws which now are or may hereafter be in force applicable to such corporations. The capital stock of said corporation shall not exceed thirty thousand dollars, to be divided into shares of twenty-five dollars each, and said corporation is hereby authorized to hold, by purchase, gift, devise or otherwise, real and personal estate to an amount not exceeding thirty thousand dollars. Attleborough Agricultural Association incorporated.

Capital stock and shares.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1887.

AN ACT TO ESTABLISH THE RATES OF PILOTAGE FOR THE PORTS OF SALEM AND BEVERLY. *Chap. 204*

Be it enacted, etc., as follows:

SECTION 1. The rates of pilotage for the ports of Salem and Beverly shall hereafter be the same as those established for outward and inward bound vessels for the port of Boston. Rates of pilotage for ports of Salem and Beverly to be same as for Boston.

Repeal.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 20, 1887.

Chap. 205

AN ACT TO ENLARGE THE PURPOSES OF THE BOYLSTON MARKET ASSOCIATION OF BOSTON, AND TO AUTHORIZE THE ISSUE OF ADDITIONAL STOCK BY SAID ASSOCIATION.

Be it enacted, etc., as follows:

May erect building, etc., upon estate in Boston.

SECTION 1. The Boylston Market Association may use and improve its real estate at and near the corner of Washington and Boylston streets, in the city of Boston, by erecting thereon a building or buildings suitable in its purposes and design for that locality.

May issue new shares and may mortgage property.

SECTION 2. The par value of shares in the capital stock of said corporation already issued shall be one thousand dollars, and it may issue new shares, the whole number not to exceed fifteen hundred of the same par value, and may mortgage its real estate to secure moneys borrowed by it to a sum not exceeding five hundred thousand dollars.

Premises may be used or let for any lawful purposes.

SECTION 3. The real estate now owned by said corporation and any buildings erected or hereafter to be erected thereon may be used, enjoyed, or let for such lawful purposes as may be suitable for the locality, and may seem proper in the judgment of the corporation or its officers.

Officers to be elected by ballot.

SECTION 4. The corporation shall elect its officers by ballot, by a majority of the stockholders present at a meeting duly called, each share being entitled to one vote, and absent members being entitled to vote by proxy authorized in writing, and shall be in all respects subject to the laws which are now or may hereafter be in force in regard to voting by members of corporations. Said corporation shall be subject to all general laws which now are or hereafter may be in force so far as they may be applicable.

Repeal.

SECTION 5. Anything in the act of incorporation of said Boylston Market Association, passed the twenty-seventh day of February in the year eighteen hundred and nine, inconsistent herewith, is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved April 20, 1887.

AN ACT TO PROHIBIT THE UNLICENSED SELLING, DISTRIBUTING OR DISPENSING OF INTOXICATING LIQUORS BY CLUBS. *Chap.206*

Be it enacted, etc., as follows :

SECTION 1. Section forty-five of chapter one hundred of the Public Statutes is amended so as to read as follows : — *Section 45.* All buildings or places used by clubs for the purpose of selling, distributing or dispensing intoxicating liquors to their members or others shall be deemed common nuisances ; and whoever keeps or maintains, or assists in keeping or maintaining, such a common nuisance, shall be punished by fine of not less than fifty nor more than one hundred dollars, and by imprisonment in the house of correction for not less than three nor more than twelve months : *provided*, that in any city or town in which the inhabitants vote, as provided in section five of this chapter, that licenses shall be granted, the licensing board may, upon application therefor, and the payment to the treasurer of such city or town of such a fee as said board may determine, the same to be not less than fifty nor more than five hundred dollars, grant to any club that they may deem a proper organization and not injurious to the welfare, good order and morality of the community, and which has not organized for the apparent purpose of engaging in or giving employment to any of its members by engaging in the business of selling, distributing or dispensing intoxicating liquors to its members or others, a special club license authorizing the distributing and dispensing of intoxicating liquors by said club, on the premises occupied by it and to be specified and described in said license, to its members ; which license may be revoked at any time. The provisions of sections seven, twelve and thirteen of this chapter shall not be applicable to such licenses.

Sale of intoxicating liquors by clubs.

Clubs may be licensed in towns, etc., where it is voted that licenses shall be granted.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1887.

AN ACT TO DISCONTINUE THE ASYLUM FOR THE INSANE AT IPSWICH. *Chap.207*

Be it enacted, etc., as follows :

SECTION 1. On or before the first day of October in the year eighteen hundred eighty-seven, the asylum for the insane at Ipswich shall be discontinued and no more commitments shall be made thereto and all persons now

Asylum for the insane at Ipswich to be discontinued.

confined there as insane shall be returned to the cities or towns from which they were sent.

Repeal.

SECTION 2. Sections forty-seven, forty-eight and forty-nine of chapter eighty-seven of the Public Statutes and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved April 20, 1887.

Chap.208 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF LAWRENCE.

Be it enacted, etc., as follows :

Salary estab-
lished.

SECTION 1. The salary of the clerk of the police court of Lawrence shall be twelve hundred dollars per annum, beginning with the first day of January in the year eighteen hundred and eighty-seven.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1887.

Chap.209 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT STATE LIBRARIAN AND CLERK OF THE BOARD OF EDUCATION.

Be it enacted, etc., as follows :

Salary estab-
lished.

SECTION 1. The assistant state librarian and clerk of the board of education shall hereafter receive an annual salary of twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1887.

Chap.210 AN ACT TO ESTABLISH THE NUMBER OF MEMBERS OF THE COMMON COUNCIL OF THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Number of
members of the
common council
of the city of
Boston estab-
lished.

SECTION 1. At every annual municipal election hereafter held in the city of Boston, the qualified voters in the several wards shall bring in their votes by ballot for able and discreet men, qualified voters in their respective wards, to be members of the common council for the ensuing year, as follows: In ward one, for three members; in ward two, for three members; in ward three, for two members; in ward four, for two members; in ward five, for three members; in ward six, for two members; in ward seven, for two members; in ward eight, for two members; in ward nine, for two members; in ward ten, for three members; in ward eleven, for four members; in ward twelve, for three members; in ward thirteen, for three members; in ward fourteen, for four members; in ward

fifteen, for three members; in ward sixteen, for three members; in ward seventeen, for three members; in ward eighteen, for three members; in ward nineteen, for three members; in ward twenty, for four members; in ward twenty-one, for three members; in ward twenty-two, for three members; in ward twenty-three, for three members; in ward twenty-four, for four members; and in ward twenty-five, for two members; and all the ballots, so given in each precinct, being sorted, counted and declared, a public declaration of the result shall be made by the warden in open precinct meeting; and a record of such proceedings shall be kept by the clerk in his journal, stating the number of ballots given for each person, written in words at length.

SECTION 2. Section two of chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-five is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Boston. Subject to acceptance by the city council.

Approved April 20, 1887.

AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS OF HAMPSHIRE COUNTY.

Chap. 211

Be it enacted, etc., as follows:

SECTION 1. The salaries of the county commissioners of Hampshire county shall be sixteen hundred dollars per annum. Salaries established.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1887.

AN ACT TO ACCEPT AN ANNUAL APPROPRIATION OF MONEY BY THE CONGRESS OF THE UNITED STATES, FOR THE SUPPORT OF AGRICULTURAL EXPERIMENTS WITHIN THE COMMONWEALTH.

Chap. 212

Be it enacted, etc., as follows:

SECTION 1. The Commonwealth of Massachusetts hereby assents to and accepts a grant of moneys to be annually made by the United States, as set forth and defined in an act of congress, entitled an "Act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July second, eighteen hundred and sixty-two and of the acts supplementary thereto", — said act, designated Public No. 112, being Appropriation made by the United States for experiment stations, accepted by the Commonwealth.

passed at the second session of the forty-ninth Congress and approved March second, eighteen hundred and eighty-seven, — and upon the terms and conditions contained and set forth in said act of congress.

Governor to notify the government of the U. S.

SECTION 2. The governor of the Commonwealth is hereby authorized and instructed to give due notice thereof to the government of the United States.

Approved April 20, 1887.

Chap. 213 AN ACT TO INCORPORATE THE BOSTON WATER TRUST AND INVESTMENT COMPANY.

Be it enacted, etc., as follows:

Boston Water Trust and Investment Company incorporated.

SECTION 1. Herbert B. Church, S. Lawrence French, Charles C. G. Thornton, George O. Manchester, Isaac C. Wyman, John G. Hathaway, Josiah S. Dean, Eugene B. Abbot, their associates and successors, are made a corporation by the name of the Boston Water Trust and Investment Company, for the purposes hereinafter set forth, to have its place of business in the city of Boston, and to be subject to the provisions of all the general laws which now are or hereafter may be in force in relation to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each, to be paid in at such times and in such manner as the board of directors may decide: *provided*, that said corporation shall not begin the transaction of business until capital stock to the amount of two hundred thousand dollars shall be subscribed for and paid in, in cash, to the satisfaction of the commissioner of corporations of this Commonwealth, and no issue of stock shall be made to an amount greater than the stock paid in.

Investment of funds.

SECTION 3. Said corporation may invest its funds except as hereinafter provided, in mortgages, bonds, notes or other evidences of debt secured by deed of trust or mortgage of real property, of a cash value not less than double the amount secured thereby; also in the purchase of bonds or other evidences of debt issued by persons or corporations engaged in the business of building, maintaining or operating water works and secured by mortgage thereon, and may take and hold as additional security for such investment the stock of corporations engaged in said business, may sell and dispose of the

same, and may issue its debentures to an amount not exceeding ninety per cent. of the face value of said bonds or other evidences of debt owned by it, and secure the same by a deposit of said bonds and evidences of debt in some trust company organized by the laws of Massachusetts, and doing business in Boston as trustee for the holders of said debentures.

SECTION 4. The company shall set apart as a guarantee fund not less than ten per cent. of its net earnings in each and every year, until such fund with the accumulated interest thereon shall amount to one-fourth of the capital stock actually subscribed and paid in, in cash. Said guarantee fund shall be invested in the securities in which savings banks are allowed to invest by the laws of this Commonwealth.

Guarantee fund.

SECTION 5. The shareholders of said corporation shall be held individually liable in the same manner and to the same extent, and not otherwise, as stockholders of manufacturing corporations are or may be held liable by the laws of this Commonwealth. The provisions contained in sections sixty-two to seventy-one inclusive, of chapter one hundred and six of the Public Statutes, shall apply to and regulate the enforcement of this liability.

Liability of shareholders.

SECTION 6. The said company shall annually make certificate and returns to the office of the secretary of the Commonwealth, in the manner provided in section fifty-four of chapter one hundred and six of the Public Statutes, the form of which return shall be subject to the approval of the commissioner of corporations as therein provided. The said commissioner of corporations shall have access to the vaults, books and papers of said corporation and shall have the right to examine and inquire into its affairs, and to take proceedings in regard to them at such times as he shall deem necessary.

To make annual certificate and returns.

SECTION 7. Said corporation for purposes of taxation shall be subject to the laws which are now or may hereafter be in force in this Commonwealth relating to the taxation of manufacturing corporations, so far as the same may be applicable, and the returns to be made by said corporation shall be those provided in section six of this act and in section thirty-eight of chapter thirteen of the Public Statutes of this Commonwealth, and by acts passed in amendment of said section thirty-eight and those which

Taxation.

may be required by general laws from all corporations in the said Commonwealth.

Shares assign-
able and trans-
ferable.

SECTION 8. The shares of the capital stock of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall for that purpose ordain and establish, and not otherwise.

SECTION 9. This act shall take effect upon its passage.

Approved April 21, 1887.

Chap. 214

AN ACT TO AMEND AND CODIFY THE STATUTES RELATING TO
INSURANCE.

Be it enacted, etc., as follows:

May be cited as
the Massachu-
setts Insurance
Act of 1887
Definition of
words and
phrases.

SECTION 1. This act may be cited as the Massachusetts Insurance Act of eighteen hundred and eighty-seven. When consistent with the context and not obviously used in a different sense the term "company" or "insurance company," as used herein, includes all corporations, associations, partnerships or individuals engaged as principals in the business of insurance: the word "domestic" designates those companies incorporated or formed in this Commonwealth, and the word "foreign," when used without limitation, includes all those formed by authority of any other state or government; the terms "unearned premiums" and "reinsurance reserve," and "net value of policies" or "premium reserve," severally intend the liability of an insurance company upon its insurance contracts, other than accrued claims, computed by rules of valuation established by section eleven; by the term "net assets" is meant the funds of an insurance company available for the payment of its obligations in Massachusetts, including, in the case of a mutual fire company, its deposit notes or other contingent funds, and, in the case of a mutual marine or mutual fire and marine company, its subscription fund and premium notes absolutely due, and also including uncollected and deferred premiums not more than three months due, on policies actually in force, after deducting from such funds all unpaid losses and claims and claims for losses and all other debts and liabilities inclusive of policy liability and exclusive of capital; the "profits" of a mutual insurance company are that portion of its cash funds not required

for payment of losses and expenses nor set apart for any purpose allowed by law.

SECTION 2. All insurance companies now or hereafter incorporated or formed by authority of any general or special law of this Commonwealth, except corporations formed under the provisions of chapter one hundred and fifteen of the Public Statutes and of correspondent statutes, and except companies formed under or subject to chapter one hundred and eighty-three of the acts of the year one thousand eight hundred and eighty-five, may exercise the powers and shall be subject to the duties and liabilities provided by this act. And the general court may, for any cause it deems sufficient, annul or dissolve any such corporation or revoke its charter, and may amend or repeal the laws affecting the powers and obligations of such corporations.

Companies subject to act.

Exceptions.

Charter may be amended or corporation dissolved by the general court.

SECTION 3. A contract of insurance is an agreement by which one party for a consideration promises to pay money or its equivalent or to do some act of value to the assured upon the destruction or injury of something in which the other party has an interest, and it shall be unlawful for any company to make any contract of insurance upon or concerning any property or interests or lives in this Commonwealth or with any resident thereof, or for any person as insurance agent or insurance broker to make, negotiate, solicit, or in any manner aid in the transaction of such insurance, unless and except as authorized under the provisions of this act: *provided*, that corporations formed under chapter one hundred and fifteen of the Public Statutes and of correspondent statutes may make provision for and pay benefits to their members and to the widows, orphans, relatives and other dependents of deceased members in the mode provided in said chapter and amendments: and, *also provided*, that nothing herein shall affect the rights or powers of corporations engaged in the transaction of life and casualty insurance upon the assessment plan under the authority of chapter one hundred and eighty-three of the acts of the year one thousand eight hundred and eighty-five, to transact the business authorized by said chapter. All contracts of insurance on property in this Commonwealth shall be deemed to be made therein.

Contract of insurance. 105 Mass. 149.

Unlawful to negotiate or make contracts otherwise than is herein authorized.

Exceptions.

Proviso.

Contracts to be governed by Massachusetts laws.

DEPARTMENT AND COMMISSIONER OF INSURANCE.

Insurance commissioner to hold office for term of three years.

SECTION 4. The department of insurance shall remain as now established. Its chief officer, appointed by the governor with the advice and consent of the council, shall be styled the Insurance Commissioner for the Commonwealth, and shall hold his office for the term of three years from the date of his commission and until his successor is appointed and qualified unless sooner removed by the governor. He shall give bond with sureties in the sum of ten thousand dollars, to be approved by the treasurer of the Commonwealth, for the faithful discharge of his duties, and shall receive in full compensation for his services an annual salary of three thousand dollars.

To give bond.

Salary.

POWERS AND DUTIES OF THE COMMISSIONER.

SECTION 5. The commissioner shall exercise the powers and perform the duties conferred and imposed upon him by this act or by any other law of the Commonwealth. He may with the approval of the governor and council appoint and with their consent remove a deputy commissioner to assist him in his duties who shall receive an annual salary of twenty-five hundred dollars. In the event of a vacancy in the office of commissioner or during the absence or disability of that officer the deputy commissioner shall perform the duties of the office. The commissioner may employ in his department a chief clerk with an annual salary of two thousand dollars, a second clerk with an annual salary of fifteen hundred dollars, a third clerk with an annual salary of twelve hundred dollars, and such additional clerks and assistants as the public business in his charge may require at an expense not to exceed eight thousand dollars a year.

Deputy commissioner.
Salary.

To act as commissioner in case of vacancy, etc.

Clerks and assistants.
Salaries.
1886, 187.

Qualification and Examination of Companies.

Commissioner to examine companies as to their qualification under the laws.

SECTION 6. Before granting certificates of authority to an insurance company to issue policies or make contracts of insurance he shall be satisfied, by such examination and evidence as he sees fit to make and require, that such company is otherwise duly qualified under the laws of the Commonwealth to transact business therein. As often as once in three years he shall personally or by his deputy or chief clerk visit each domestic insurance

To visit and examine domestic companies every three years, or oftener if expedient.

company, and thoroughly inspect and examine its affairs, especially as to its financial condition and ability to fulfil its obligations and whether it has complied with the laws. He shall also make an examination of any such company whenever he deems it prudent to do so or upon the request of five or more of the stockholders, creditors, policy-holders or persons pecuniarily interested therein who shall make affidavit of their belief, with specifications of their reasons therefor, that such company is in an unsound condition. Whenever he deems it prudent for the protection of policy-holders in this Commonwealth, he shall in like manner visit and examine or cause to be visited and examined by some competent person or persons he may appoint for that purpose any foreign insurance company applying for admission or already admitted to do business by agencies in this Commonwealth, and such company shall pay the proper charges incurred in such examination, including the expenses of the commissioner or his deputy and the expenses and compensation of his assistants employed therein. For the purposes aforesaid the commissioner or his deputy or person making the examination shall have free access to all the books and papers of an insurance company that relate to its business, and to the books and papers kept by any of its agents, and may summon and qualify as witnesses under oath and examine the directors, officers, agents and trustees of any such company and any other persons, in relation to its affairs, transactions and condition.

P. S. 119, § 6,
1883, 235.

To visit and
examine foreign
companies.

Expenses of ex-
amination.
P. S. 119, § 7.

To have free
access to books
and papers.

May examine
witnesses under
oath. Penalty.
See § 108.

Unsound and Delinquent Companies.

SECTION 7. If he is of opinion upon examination or other evidence that a foreign insurance company is in an unsound condition, or if it has failed to comply with the law, or if it, its officers or agents refuse to submit to examination or to perform any legal obligation in relation thereto, or, if a life insurance company, that its actual funds exclusive of its capital are less than its liabilities, he shall revoke or suspend all certificates of authority granted to it or its agents, and shall cause notifications thereof to be published in the newspaper in which the general laws are published, and no new business shall thereafter be done by it or its agents in this Commonwealth while such default or disability continues, nor until

If foreign com-
pany is unsound
or in default,
commissioner
to revoke or
suspend its
authority to do
business.
P. S. 119, § 13.
See § 66.

To apply for injunction in case of insolvency, etc., of a domestic company.
P. S. 119, §§ 14, 15.

Powers of court.

To notify domestic company to make good its capital when impaired 25 per cent.

To apply for injunction, etc.

To notify domestic company to cease business if funds are deficient.
See § 66.
P. S. 119, § 155.

To report violations of law to attorney-general.

its authority to do business is restored by the commissioner. If, upon examination, he is of opinion that any domestic insurance company is insolvent, or has exceeded its powers, or has failed to comply with any provision of law, or that its condition is such as to render its further proceedings hazardous to the public or to its policy-holders, he shall apply to a justice of the supreme judicial court to issue an injunction restraining it in whole or in part from further proceeding with its business. Such justice may, in his discretion, issue the injunction forthwith or upon notice and hearing thereon, and after a full hearing of the matter may dissolve or modify such injunction or make it perpetual, and may make all orders and decrees needful in the premises, and may appoint agents or receivers to take possession of the property and effects of the company and to settle its affairs subject to such rules and orders as the court may from time to time prescribe, according to the course of proceedings in equity.

SECTION 8. Whenever it appears to him that the capital of a domestic insurance company is impaired to the extent of one-fourth or more on the basis fixed in section eleven, he shall notify the company that its capital is legally subject to be made good in the mode provided by section thirty-five, and if such company shall not within three months after such notice satisfy him that it has fully repaired its capital, or reduced its capital as provided in section thirty-seven, he shall institute proceedings against it in accordance with the preceding section.

SECTION 9. When the actual funds of a domestic life insurance company, exclusive of its capital, are not of a net cash value equal to its liabilities, including the net value of its policies computed by the rule of valuation established by section eleven, he shall notify such company and its agents to issue no new policies until its funds become equal to its liabilities.

SECTION 10. If upon examination or other evidence exhibited to him he is of opinion that any insurance company or an officer or agent thereof has violated any provision of this act he shall report the facts to the attorney-general, who shall cause such company, officer or agent to be prosecuted therefor.

Valuation of Life Policies. Reinsurance Reserve. Assets.

SECTION 11. He shall each year compute the net value on the thirty-first day of December of the preceding year of all outstanding policies of life insurance in companies authorized to make insurance on lives in this Commonwealth upon the basis of the "Combined Experience" or "Actuaries' Table" rate of mortality with interest at four per cent. per annum, and the aggregate net value, so ascertained, of the policies of any such company shall be deemed its liability on account of its policy obligations, other than accrued claims, to provide for which it shall hold funds in secure investments of an amount equal to such net value above all its other liabilities. When the actual premium charged by a company for an insurance is less than the net premium for such insurance, computed according to the table of mortality and rate of interest aforesaid, then, and in every such case, the company shall be charged as a separate liability with the value of an annuity, the amount of which shall equal the difference between the premiums aforesaid, and the term of which in years shall equal the number of future annual payments due on said insurance at the date of the valuation.

To determine the liability upon its contracts of insurance of an insurance company, other than life and real estate title insurance, and thence the amount such company shall hold as a reserve for reinsurance, he may take fifty per cent. of the premiums written in its policies; but in respect to marine risks he shall compute the liability thereon by charging sixty per cent. of the amount of premiums written in its policies upon yearly risks and upon risks covering more than one passage not terminated, and the full amount of premiums written in policies upon all other marine risks not terminated; *provided*, that in the case of foreign fire and marine insurance companies with less than three hundred thousand dollars capital admitted to transact fire insurance only in this Commonwealth, the full amount of premiums written in their marine and inland navigation and transportation insurance policies shall be charged as liability. In valuing the assets which compose the legal reserve of a life insurance company, the real estate, the bonds and stocks shall be taken at such a value that the average annual income thereof shall be not less than four per cent.

To value policies of life companies annually.
Rule of valuation.
P. S. 119, §§ 17, 155, 159.

Rule for computation of reserve for reinsurance, or policy liability.
P. S. 119, § 11.
1883, c. 129.
1884, c. 178.

Valuation of assets of life companies.

of the valuation; and if any asset or investment is conditioned upon a rate of interest of less than four per cent. annually, such asset or investment shall be rated at its value, considering the actual income and time it has to run, as the equivalent of a four per cent. investment; loans and credits shall not be allowed for more than their face value, nor shall any asset or investment be appraised for more than its market value. This clause shall take effect on the thirty-first day of December, in the year one thousand eight hundred and eighty-nine. He shall allow to the credit of an insurance company in the account of its financial condition only such assets as are immediately available for the payment of losses in Massachusetts, but may credit any deposits or funds of the company set apart as security for a particular liability in set-off to the amount charged on account of such liability. He shall not allow stockholders' obligations of any description as part of the assets or capital of any stock insurance company unless the same are secured by competent collateral.

What assets are admissible.

P. S. 119, § 64.

Shall examine and certify proceedings of companies to increase or reduce capital.
See §§ 35, 36, 37.

SECTION 12. He shall, upon application, examine the proceedings of domestic companies to increase or reduce their capital stock and when found conformable to law shall indorse certificates thereof, and shall issue certificates of authority to such companies to transact business upon such increased or reduced capital.

Accounts, &c., of Receivers.

To audit the accounts of receivers of insolvent companies, and report to the court.

SECTION 13. He or his deputy shall annually, and oftener if there seems occasion, examine the accounts and transactions of all receivers of insolvent insurance companies; and shall also carefully examine all accounts of such receivers referred to him under the provisions of section ninety-five, and make report thereof to the court. For the above purposes he or his deputy shall have free access to the official books and papers of such receivers relative to their transactions and may examine such receivers under oath as to all matters connected therewith. Whenever in his opinion any receiver has violated his duty in office, or further proceedings by receivers to collect an assessment will not offer substantial relief to creditors, the commissioner shall certify the facts to the court having jurisdiction of the proceedings.

May examine receivers and their books and papers.

Shall certify misconduct of receiver, and uselessness of proceedings to collect assessment.
P. S. 119,
§§ 170-172.

Suits against Foreign Companies.

SECTION 14. When legal process is served upon him as attorney for a foreign company under the provisions of the third clause of section seventy-eight he shall forthwith notify the company of such service by letter prepaid and directed to its secretary, or in the case of a company of a foreign country to its resident manager, if any, in the United States; and shall within two days after such service forward in the same manner a copy of the process served on him to such secretary or manager, or to such other person as may have been previously designated by the company by written notice filed in the office of the commissioner. As a condition of valid and effectual service, and of the duty of the commissioner in the premises, the plaintiff in each such process shall pay to the commissioner at the time of service thereof the sum of two dollars which the said plaintiff shall recover as taxable costs if he prevails in his suit. The commissioner shall keep a record of all such processes which shall show the day and hour of service.

To act as attorney for foreign companies for service of lawful process.

To give notice and keep record of processes.
P. S. 119, §§ 202, 203.

Fees and Charges.

SECTION 15. He shall collect and pay into the treasury charges and fees as follows: for valuation of life policies, five mills for each thousand dollars of insurance; for each examination of a domestic company's qualification to transact business, thirty dollars: of each foreign company for filing copy of charter or deed of settlement, thirty dollars, and for filing statement with application for admission and for each annual statement, twenty dollars: for each license to procure fire insurance in unauthorized foreign companies, twenty dollars annually: for each certificate to insurance broker, ten dollars: for each certificate or renewal thereof to an insurance agent, two dollars: for each certificate of the valuation of the policies of any life insurance company and for each certificate of the examination, condition or qualification of an insurance company, two dollars: for each service of lawful process upon him as attorney, two dollars: for each copy of any paper on file in his office, twelve cents a page and one dollar for certifying the same; and all other fees and charges due and payable into the treasury for any official act or service of the commissioner.

To collect fees for valuing life policies.

Blanks for Statements and Returns.

Shall furnish blanks for annual statements and for returns of fires.
P. S. 119, § 19.
1883, 33, § 3.
P. S. 35, § 11.

SECTION 16. He shall in December of each year furnish to each of the insurance companies authorized to do business in the Commonwealth, two or more blanks in form adapted for their annual statements; and, similarly, shall prepare and forward to the mayor and aldermen and selectmen of the several towns and cities of the Commonwealth suitable blanks for returns of fires as provided by sections ten and eleven of chapter thirty-five of the Public Statutes.

Record and Annual Report.

Shall keep a record of his transactions.
P. S. 119, § 20.

SECTION 17. He shall keep and preserve in a permanent form a record of his proceedings, including a concise statement of the result of official examinations of insurance companies. He shall annually, and as early as consistent with full and accurate preparation, make a report to the general court of his official transactions, and shall include in such report a statement of the receipts and expenditures of his department for the preceding year; a compilation of the statistics of casualty fires in the Commonwealth, from returns made pursuant to section ten of chapter thirty-five of the Public Statutes; a report of the condition of the receiverships of insolvent companies; an exhibit of the financial condition and business transactions of the several insurance companies as disclosed by official examinations of the same or by their annual statements, abstracts of which statements together with his valuation of life policies shall appear therein; and such other information and comments in relation to insurance and the public interest therein as he deems fit to communicate.

Shall make annual report to the legislature.
P. S. 119, § 21.

PROVISIONS COMMON TO ALL COMPANIES.

To do business and issue policies in corporate name.
P. S. 119, § 178.

SECTION 18. Every insurance company, foreign or domestic, shall conduct its business in the Commonwealth in its own proper and corporate name, and the policies and contracts of insurance issued by it shall be headed or entitled only by its proper or corporate name. When any such company publishes its assets it shall in the same connection and with equal conspicuousness publish its liabilities computed on the basis allowed for its annual statements, and any publication purporting to show its capital shall exhibit only the amount of such capital as

Liabilities to be published with assets.
P. S. 119, § 179.
Penalty.
See § 100.

has been actually paid in cash. Such publications shall be held to include all policies, renewals, signs, circulars, cards or other means by which public announcements are made.

SECTION 19. Every such company shall be liable to taxation by any general law taxing insurance companies, and it shall by its proper officers make, to the tax commissioner or other officer of the Commonwealth, such returns and statements of its business and affairs as the law may require for the purpose of assessment of such taxes, and thereupon its officers and agents may be examined under oath by the officer to whom such returns are to be made.

Liable to taxation: to make returns for assessment of taxes.
P. S. 119, § 15.

SECTION 20. No company authorized to transact the business of insurance in this Commonwealth shall directly or indirectly contract for or effect any reinsurance of any risk or part thereof taken by it on property in this Commonwealth with any company not authorized to transact such business of insurance in this Commonwealth. And no such company shall insure in a single hazard a larger sum than one-tenth of its net assets.

Shall not reinsure in unauthorized companies.
1884, c. 120.
Penalty.
See § 102.

Limit of single hazard.
P. S. 119, §§ 56, 107.
Penalty.
See § 103.

SECTION 21. No oral or written misrepresentation made in the negotiation of a contract or policy of insurance, by the assured or in his behalf, shall be deemed material or defeat or avoid the policy or prevent its attaching, unless such misrepresentation is made with actual intent to deceive, or unless the matter misrepresented increased the risk of loss.

Misrepresentation by assured not to avoid policy unless, etc.
P. S. 119, § 181.

PROVISIONS SPECIAL TO MASSACHUSETTS COMPANIES.

SECTION 22. The general provisions of law relative to the powers, duties and liabilities of corporations shall apply to all incorporated domestic insurance companies so far as such provisions are pertinent and not in conflict with other provisions of law relative to such companies or with their charters.

Subject to general corporation law.
P. S. 105, § 1.

SECTION 23. Domestic insurance companies incorporated by special acts, whose charters are subject to a limitation of time, shall after such limitation expires continue to be bodies corporate, subject to all general laws applicable to such companies.

To continue bodies corporate after expiration of charter limitation.

SECTION 24. No domestic insurance company shall issue policies until upon examination by the commissioner or his deputy it is found to have complied with the laws

To obtain certificate from commissioner before issuing policies.
P. S. 119, § 5.

of the Commonwealth, nor until it has obtained from the commissioner a certificate setting forth that fact and authorizing it to issue policies. For such examination it shall pay into the treasury of the Commonwealth thirty dollars.

May adopt by-laws and divide directors into classes.
P. S. 119, § 43.
1884, c. 74.

Secretary and treasurer to give bond.
P. S. 119, § 41.

Call for meetings.
P. S. 119, § 42.

Investments to be in corporate name.
Officers not to borrow, or to act as brokers of loans.
P. S. 119, §§ 46, 47.

Policies to be signed, etc.
P. S. 119, § 53.

Office for business: cards, etc., to specify location.
P. S. 119, § 44.

Shall not trade except, etc., nor engage in other business.
P. S. 119, § 49.

May hold certain real estate and no other.
P. S. 119, § 36.

SECTION 25. Any such company may adopt by-laws for the conduct of its business not repugnant to law or to its charter, and therein may provide for the division of its board of directors into two, three or four classes and the election thereof at its annual meetings in such manner as that the members of one class only shall retire and their successors be chosen each year. Vacancies in any such class may be filled by election by the board for the unexpired term. The secretary and treasurer shall severally give bond with sureties in such sum as the directors may require for the faithful performance of their respective duties. All matters proposed to be acted upon at any meeting of the company shall be specified in the call for the same. All investments of the funds of the company shall be made in its corporate name, and no officer or member of a committee thereof charged with the duty of investing its funds shall borrow the same or be directly or indirectly liable for or on account of loans thereof to others: nor shall any director or other officer take or receive to his own use any fee, brokerage, commission, gift or other consideration for or on account of a loan made by or on behalf of such company. All policies issued by such company shall be signed by its secretary or in his absence by a secretary *pro tempore* and by its president or vice-president or in their absence by two directors. Such companies shall have their office in the city or town specified in their charter: and when they establish agencies in other cities or towns, all signs, cards, pamphlets and advertisements exhibited or issued by them shall specify the city or town where the company they represent is located. They shall not deal or trade in buying or selling goods, wares or merchandise, except articles insured by them on which losses are claimed, and except in replacing, rebuilding or repairing insured property as provided in their policies, nor engage in any business other than as specified in their charters and articles of association and expressly authorized by law. Any such company may acquire and hold real estate for the convenient accommodation of its business at a cost not exceeding twenty-

five per cent. of its cash assets, and not otherwise, but may hold real estate acquired under the conditions of any mortgage owned by it, or by purchase or set-off on execution, upon judgment for debts due it in the course of its legitimate business.

SECTION 26. No such company shall make any condition or stipulation in its insurance contracts concerning the court or jurisdiction wherein any suit thereon may be brought, nor shall limit the time within which such suit may be commenced to less than two years after the cause of action accrues, and any such condition or stipulation shall be void.

Venue and limitations of suits.
P. S. 119, § 43.

SECTION 27. Mortgages on real estate held by a domestic insurance company may be attached and taken and sold on execution in the manner provided in chapter one hundred and eighteen of the Public Statutes in respect to mortgages held by banks, and the secretary of the company shall perform in reference thereto the same duties required of cashiers and clerks of banks in that relation.

Mortgages held by, how taken on execution.
P. S. 119, § 48.

SECTION 28. If any domestic insurance company shall not commence to issue policies within one year after the date of its act of incorporation or of its certificate of organization, or if after it has commenced to issue policies it shall cease for the period of one year to make new insurances, its corporate powers shall expire by their own limitation, and the supreme judicial court upon petition of the insurance commissioner or of any person interested may fix by decree the time within which it shall settle and close its concerns. A company incorporated by special act shall, within one year from the date thereof, file with the secretary of the Commonwealth a written notice of its organization under its charter or the same shall be void.

Corporate powers to cease when.
P. S. 119, §§ 24, 37, 50.

ORGANIZATION OF INSURANCE COMPANIES.

SECTION 29. Insurance companies may be formed as provided in section thirty for any one of the following purposes, to wit: —

Purposes for which companies may be formed.
P. S. 119, §§ 26, 30, 31.

First, To insure against loss or damage to property by fire, lightning, or tempest on land, upon the stock or mutual plan.

1884, c. 206.
Loss by fire, lightning and tempest on land.

Second, To insure upon the stock or mutual plan, vessels, freights, goods, money, effects, and money lent on bottomry or respondentia, against the perils of the sea

Loss by perils of the sea.

and other perils usually insured against by marine insurance including risks of inland navigation and transportation.

Guaranty of fidelity and corporate suretyship. See § 61.

Damage by steam-boiler explosions.

Accident to persons.

Damage by breakage of plate glass.

Injury to employees.

How organized. P. S. 119, §§ 26, 27, 28, 32, 33, 34, 35.

Corporators to subscribe articles of association. Contents of agreement of incorporation.

Corporate title.

First meeting for organization.

How called and proceedings of.

Third. To guarantee the fidelity of persons in positions of trust, private or public, and to act as surety on official bonds and for the performance of other obligations.

Fourth. To insure against loss or damage to property of the assured, or loss or damage to the life, person or property of another for which the assured is liable, caused by the explosion of steam boilers.

Fifth. To insure against bodily injury and death by accident.

Sixth. To insure against the breakage of plate glass, local or in transit.

Seventh. To insure on the stock or mutual plan against the liability of employers for injuries to persons in their employment.

SECTION 30. The procedure for organizing such a corporation shall be as follows: The proposed corporators, who must be residents of the Commonwealth and not less than ten, shall subscribe articles of association setting forth their intention to form a corporation: its proposed name, which must not so closely resemble the name of an existing corporation as to be likely to mislead the public, and must be approved by the insurance commissioner; the class of insurance it proposes to transact and on what business plan or principle: the place, within the Commonwealth, of its location: and, if on the stock plan, the amount of its capital stock. The words "insurance company" must be a part of the title of any such corporation, and also the word "mutual" if it is organized upon the mutual principle. The first meeting for the purpose of organization shall be called by a notice signed by one or more of the subscribers to the articles of association, stating the time, place and purpose of the meeting; a copy whereof shall, seven days at least before the appointed time, be given to each subscriber, or left at his usual place of business or residence, or duly mailed to his post office address. And whoever gives such notice shall make affidavit thereof, which shall include a copy of the notice, and be entered upon the records of the corporation. At such first meeting, including any adjournment thereof, an organization shall be effected by the choice by ballot of a temporary clerk, who shall be sworn, by the

adoption of by-laws, and by the election of directors and such other officers as the by-laws may require; but at such first meeting no person shall be elected director who has not signed the articles of association. The temporary clerk shall record the proceedings until and including the choice and qualification of the secretary. The directors so chosen shall elect a president, secretary, and any other officers which under the by-laws they are authorized to choose. The president, secretary, and a majority of the directors shall forthwith make, sign, and swear to a certificate setting forth a copy of the articles of association, with the names of the subscribers thereto, the date of the first meeting and of any adjournments thereof, and shall submit such certificate and the records of the corporation to the insurance commissioner, who shall examine the same, and who may require such other evidence as he may judge necessary. The commissioner, if it appears that the requirements of the law as herein have been complied with, shall certify that fact, and his approval of the certificate, by indorsement thereon. Such certificate shall thereupon be filed by said officers in the office of the secretary of the Commonwealth, who, upon payment of a fee of twenty-five dollars, shall cause the certificate with the indorsement thereon to be recorded, and shall issue a certificate in the following form: —

Adoption of by-laws.

Election of officers.

Officers to make certificate to be approved by the insurance commissioner and filed with the secretary of the Commonwealth.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [here the names of the subscribers to the articles of association shall be inserted] have associated themselves with the intention of forming a corporation under the name of [here the name of the corporation shall be inserted] for the purpose [here the purpose declared in the articles of association shall be inserted], with a capital [or with a permanent fund] of [here the amount of capital or permanent fund fixed in the articles of association shall be inserted], and have complied with the provisions of the statutes of this Commonwealth in such case made and provided, as appears from the certificate of the president, secretary and directors of said corporation, duly approved by the insurance commissioner and recorded in this office: now, therefore, I [here the name of the secretary shall be inserted], secretary of the Commonwealth of Massachusetts, do hereby certify that said [here the names of the subscribers to the articles of association shall be inserted], their associates and successors, are legally organized and established as, and are hereby made an existing corporation under the name of [here the name of the corporation shall be in-

Form of certificate.

served], with the powers, rights and privileges, and subject to the duties, liabilities and restrictions which by law appertain thereto. Witness my official signature hereunto subscribed, and the seal of the Commonwealth of Massachusetts hereunto affixed, this day of , in the year . [In these blanks the day, month and year of execution of the certificate shall be inserted: and in the case of purely mutual companies, so much as relates to capital stock shall be omitted.]

Certificate of organization to have the force of a special charter, and be conclusive evidence of incorporation.

The secretary shall sign the same and cause the seal of the Commonwealth to be thereto affixed, and such certificate shall have the force and effect of a special charter, and be conclusive evidence of the organization and establishment of such corporation. He shall also cause a record of such certificate to be made, and a certified copy of such record may be given in evidence with like effect as the original certificate.

Amount of Capital.

To do only the business specified in charter.

SECTION 31. No corporation so formed shall transact any other business than that specified in its charter and articles of association. Companies to insure plate glass may organize with a capital of not less than one hundred thousand dollars. Companies so formed insuring marine or inland risks upon the stock plan shall have a capital of not less than three hundred thousand dollars. Companies so formed for the transaction of fire insurance on the stock plan, of fidelity insurance, of accident insurance, of employers' liability insurance or of steam-boiler insurance shall have a capital of not less than two hundred thousand dollars. Companies may be so formed to insure mechanics' tools and apparatus against loss by fire for an amount not exceeding two hundred and fifty dollars in a single risk, with a capital of not less than twenty-five thousand dollars. No policy shall be issued by an employers' liability insurance company organized on the mutual plan until an amount of insurance whereon the cash premiums payable are not less than twenty thousand dollars has been subscribed for and entered on its books, and any such company shall be subject to the laws, so far as applicable, in relation to mutual fire insurance companies.

Minimum capital of stock companies.
P. S. 119, § 29.

MASSACHUSETTS STOCK COMPANIES.

Officers — their Election and Duties.

SECTION 32. The board of directors of each domestic stock insurance company shall consist of not less than five members, chosen by ballot from stockholders resident in this Commonwealth, who shall hold office for one year or for the term provided in its by-laws as authorized by section twenty-five, and until their successors are qualified. In the choice of directors and at all meetings of the company each stockholder shall be entitled to one vote for each share he holds not in excess of one-tenth of the capital. Proxies may be authorized by written power of attorney, but no officer shall vote as proxy. The record of the votes made by the secretary or clerk, which shall show whether the same were cast in person or by proxy, shall be evidence of all such elections. The directors before they are qualified to act shall file with the secretary a written acceptance of the trust. Not less than four shall constitute a quorum and a majority of those in attendance may transact business. Vacancies in any office may be filled by the directors or by the stockholders as the by-laws shall provide. The directors shall annually choose by ballot a president, who shall be a member of the board, a secretary and such other officers as the by-laws provide. They may call special meetings of the stockholders whenever they deem proper, and shall call such meetings on the written application of the owners of one-fifth part of the capital or of twenty shareholders setting forth the purposes of the same. They shall at each annual meeting of the company submit a full statement of the transactions of the company during the previous year, and of its financial condition. The president and secretary, and vice-president if there be one, shall annually be sworn and their oaths entered of record in the company's books. The president, or in his absence the vice-president if there be one, shall preside at all meetings of the directors or stockholders. In the absence of the president and vice-president a president *pro tempore* may be chosen. The secretary shall keep a record of the votes and proceedings of all meetings of the directors and of the stockholders; a list of the stockholders and the number of shares standing in the name of each; a record of all transfers of shares, and of all policies issued and

P. S. 119, §§ 51, 52, 53, 1884, c. 74. Election, eligibility and term of office of directors.

Votes of stockholders.

Proxies.

Record and evidence of elections.

Directors to accept.

Quorum.

Vacancies.

Directors to elect president and other officers.

Special meetings.

To make statement at annual meetings.

Officers to be sworn.

President, etc., to preside at meetings of directors and stockholders.

Secretary to keep record of votes, stockholders, policies, etc.

Records to be open for inspection and evidence.

Penalty for false record.

all authorized assignments, cancellations and transfers thereof: and such additional books as the president and directors require. The records so kept shall be evidence of the transactions to which they relate and open to the inspection of any person interested therein, and for making any wilfully false record the secretary shall be deemed guilty of the crime of perjury.

Personal Liability of Officers.

Officer making illegal investment, or issuing policies when company is insolvent or making over-insurance, personally liable for loss.
P. S. 119, §§ 55, 57.

SECTION 33. The directors or other officer making or authorizing an investment or loan in violation of section thirty-five shall be personally liable to the stockholders for any loss occasioned thereby. If a company is under liability for losses equal to its net assets and the president and directors knowing it make or assent to further insurance they shall be personally liable for any loss under such insurance. If the directors allow to be insured on a single risk a larger sum than the law permits they shall be liable for any loss thereon above the amount they might lawfully insure.

Payment and Investment of Capital.

Capital to be paid in within twelve months and invested; directors to make certificate.
P. S. 119, § 54.
Amount of.
See § 32.
No policies or certificate of shares to issue until whole capital is paid in.

SECTION 34. The capital stock shall be paid in cash within twelve months from date of charter or certificate of organization, and no certificates of full shares and no policies shall be issued until the whole capital is paid in. A majority of the directors shall certify on oath that the money has been paid by the stockholders for their respective shares and the same is held as the capital of the company invested or to be invested as required by this section. Such capital shall be invested only as follows: —

Investments and loans of capital.
P. S. 119, § 55.
1885, c. 308.
Real estate.
See § 25.
Different classes of securities in which companies may invest their capital.

First. In first mortgages of real estate in this Commonwealth.

Second. In public funds of the United States or of any of the New England states, New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin and Iowa, and of the District of Columbia.

Third. In the bonds or notes of any city, county or town, or incorporated district of this Commonwealth; or of any city of any other of the New England states whose net indebtedness does not exceed five per cent. of the last preceding valuation of the property therein for purposes of taxation: or of any county or town of Maine, New Hampshire, Vermont, Rhode Island or Connecticut, whose

net indebtedness does not exceed three per cent. of such ^{Investments.} valuation of its taxable property.

Fourth. In the legally authorized bonds for municipal purposes of any city of more than thirty thousand inhabitants in the states of New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin and Iowa, whose net indebtedness at the date of such investment does not exceed five per cent. of the valuation of its property for assessment of taxes. The term "net indebtedness" as used here and in the preceding clause excludes any debt created to provide a supply of water for general domestic use, and allows credit for the sinking funds of a county, city, town or district, available for the payment of its indebtedness.

Fifth. In the first mortgage bonds of any railroad company incorporated under the authority of any of the New England states and whose road is located wholly or in part in the same, and which is in possession of and operating its own road and has earned and paid regular dividends for the two years next preceding such investment; or in the first mortgage bonds, guaranteed by any such railroad company, of any railroad so incorporated whose road is thus located; or in the bonds, stocks or notes of any railroad company incorporated under the laws of this Commonwealth and whose road is located wholly or in part therein and is unincumbered by mortgage and which has paid a dividend of not less than five per cent. per annum for two years next preceding such investment; or in bonds, stocks and notes issued according to law of either the Old Colony Railroad Company, the Fitchburg Railroad Company, or the Worcester, Nashua and Rochester Railroad Company. But the term railroad companies as here used shall not be construed to include street railway companies.

Sixth. In the stock of any bank incorporated under the authority of this Commonwealth, or of any banking association located in the New England states and incorporated under the authority of the United States.

Seventh. In loans upon the note or notes of any citizen of this Commonwealth secured by pledge as collateral of any of the before named securities. Where the pledged securities are of those specified in the first, second, third or fourth clauses, as above, the loan thereon may be of an amount not more than their par value. Where the

pledged securities are of those specified in the fifth and sixth clauses, the loan thereon shall not exceed their par value nor be more than four-fifths of their market value.

But no insurance company shall together own or hold in pledge more than one-fourth of the capital stock of any bank; nor invest in or lend upon the stock and bonds together of any railroad company more than one-tenth of its own capital; nor shall its entire investment in and loans upon all railroad property and securities exceed one-third of its capital; nor shall it loan more than sixty per cent. of its capital on mortgage of real estate, nor more than one-fifth of its capital in one mortgage.

Impairment, Increase and Reduction of Capital.

SECTION 35. When the net assets of a company do not amount to more than three-fourths of its original capital, it may make good its capital to the original amount by assessment of its stock. Shares on which such an assessment is not paid within sixty days after demand shall be forfeitable, and may be cancelled by a vote of the directors and new shares issued to make up the deficiency.

If such company shall not within three months after notice from the insurance commissioner to that effect make good its capital as aforesaid, or reduce the same as allowed by section thirty-seven, its authority to transact new business of insurance shall cease.

SECTION 36. Any such company may issue *pro rata* to its stockholders certificates of any portion of its actual net surplus it may deem fit to divide, which shall be deemed to be an increase of its capital to the amount of such certificates. And such company may, at a meeting called for the purpose, vote to increase the amount and number of shares of its capital stock, and to issue certificates thereof when paid for in full. In whichever mode the increase is made, the company shall within thirty days after the issue of such certificates submit to the insurance commissioner a certificate setting forth the amount of the increase, and the facts of the transaction signed and sworn to by its president and secretary and a majority of its directors. If the commissioner finds that the facts conform to the law, he shall indorse his approval thereof, and, upon filing such certificate so indorsed with the secretary of the Commonwealth, and the payment of a fee of five dollars for filing the same, the company may transact

Limit in amount of particular investments.

Impaired capital may be made good by assessment of stock.

P. S. 119, §§ 59, 60, 61.

See § 8.
Shares forfeited by non-payment of assessment.

If capital not made good or reduced, authority of company to do business to cease.

May increase capital by issue of new shares to be paid for in full; or by dividends of actual net surplus.

P. S. 119, §§ 62, 70, 71.

Certificate of increase to be approved by insurance commissioner and filed with secretary of the Commonwealth.

business upon the capital as increased, and the commissioner shall issue his certificate to that effect.

SECTION 37. When the capital stock of a company is impaired, such company may, upon a vote of the majority of the stock represented at a meeting legally called for that purpose, reduce its capital stock and the number of shares thereof to an amount not less than the minimum sum required by law. But no part of its assets and property shall be distributed to its stockholders. Within ten days after such meeting the company shall submit to the insurance commissioner a certificate setting forth the proceedings thereof and the amount of such reduction and the assets and liabilities of the company, signed and sworn to by its president, secretary and a majority of its directors. The commissioner shall examine the facts in the case, and if the same conform to law, and, in his judgment, the proposed reduction may be made without prejudice to the public, he shall indorse his approval upon the certificate. Upon filing the certificate, so indorsed, with the secretary of the Commonwealth, and paying a fee of five dollars for the filing thereof, the company may transact business upon the basis of such reduced capital as though the same were its original capital, and its charter shall be deemed to be amended to conform thereto; and the insurance commissioner shall issue his certificate to that effect. Such company may, by a majority vote of its directors, after such reduction require the return of the original certificates of stock held by each stockholder in exchange for new certificates it may issue in lieu thereof for such number of shares as each stockholder is entitled to in the proportion that the reduced capital bears to the original capital.

May reduce capital.

Commissioner to approve the reduction. The procedure: effect of. P. S., 119, §§ 65, 66, 67.

May call in original stock certificates and issue substitute certificates. P. S., 119, § 68.

Dividends.

SECTION 38. No stock company shall make a dividend either in cash or stock certificates, except from its actual net surplus computed as required by law in its annual statement; nor shall any such company which has ceased to do new business of insurance divide any portion of its assets except surplus to its stockholders until it shall have performed or cancelled its policy obligations. Any such company may declare and pay, annually or semi-annually from its surplus, cash dividends to its stockholders of not more than ten per cent. of its capital stock in a year; and if the dividends in any year are less than

See § 36. Dividends to be made only from surplus. P. S., 119, § 70. Not to divide assets while policies remain in force.

Cash dividends limited to ten per cent. annually. P. S., 119, §§ 69, 72.

ten per cent. the difference may be made up in any subsequent year or years from surplus accumulations; but no arrears of dividends accrued before the third day of April in the year one thousand eight hundred and seventy-five shall be so made up.

MUTUAL FIRE COMPANIES.

Not to issue policies until \$500,000 insurance is subscribed for. Exception. P. S. 119, § 58.

SECTION 39. No policy shall be issued by a purely mutual fire insurance company until not less than five hundred thousand dollars of insurance, in not less than two hundred separate risks, has been subscribed for and entered on its books: except that in any town of less than four thousand population a company may be formed to insure only dwelling-houses, farm buildings, and their contents within such town, and may issue policies when fifty thousand dollars of insurance has been subscribed for.

Members and Elections.

All insured persons members; entitled to notice of meetings and to vote. P. S. 119, § 78.

SECTION 40. Every person insured by a mutual fire insurance company shall be a member while his policy is in force entitled to one vote for each policy he holds, and shall be notified of the time and place of holding its meetings by a written notice or by an imprint upon the back of each policy, receipt or certificate of renewal, as follows, to wit:—

The assured is hereby notified that by virtue of this policy he is a member of the _____ Insurance Company, and that the annual meetings of said company are holden at its home office on the _____ day of _____ in each year, at _____ o'clock, _____.

Trustee of insured property and representative of insured corporation entitled to rights of a member. P. S. 119, §§ 84, 85.

The blanks shall be duly filled in print, and the same shall be deemed a sufficient notice. A corporation which becomes a member of such company may authorize any person to represent it in such company, and such representative shall have all the rights of an individual member. Any person holding property in trust may insure the same in such company and as such trustee assume the liabilities and be entitled to the rights of a member, but shall not be personally liable upon such contract of insurance. Members may vote by proxies dated and executed within three months and returned and recorded on the books of the company three days or more before the meeting at which they are to be used; but no person shall be allowed as proxy or otherwise to cast more than twenty

Proxies.

Number of votes a member may cast.

votes, and no officer or agent shall himself or by another ask for, receive, procure to be obtained or use a proxy vote. Every such company shall elect by ballot a board of not less than seven directors who shall manage and conduct its business and who shall hold office for one year or for such term as the by-laws may provide in accordance with section twenty-five and until their successors are qualified. Two-thirds at least of the directors shall be citizens of the Commonwealth and after the first election members only shall be eligible, but no director shall be disqualified from serving the term he was chosen for by reason of the expiration or cancellation of his policy: *provided*, that in companies with a guaranty capital one-half of the directors shall be chosen by and from the stockholders. Five or more of the directors shall constitute a quorum for the transaction of business by the vote of a majority of those in attendance. Vacancies in any office may be filled in such manner as the by-laws shall provide.

Officer cannot hold proxy.
P. S. 119, § 80.
Penalty.
See § 107.
Election, eligibility and official tenure of directors.

Quorum.

Vacancies.
P. S. 119, §§ 79, 82, 83.

Powers and Duties of Officers.

SECTION 41. The directors shall annually choose by ballot a president who shall be a member of the board, a secretary, a treasurer who may also be either the president or secretary; and such other officers as the by-laws provide. They may call special meetings of the members of the corporation whenever they see fit, of which each member shall have such notice as the by-laws provide, and shall call such meetings upon the written request of twenty members or of the owners of one-fifth of the guaranty capital, setting forth the purpose thereof. The treasurer shall give bond with surety in such sum as the by-laws or directors may require and, together with the president and vice-president, if there be one, and the secretary, shall be annually sworn and their oaths be entered of record in the books of the corporation. The president, or in his absence the vice-president, shall preside at all meetings of the directors or members. In the absence of both a president *pro tempore* may be chosen. The secretary shall keep a record of the votes, whether cast in person or by proxy, and the other proceedings of all meetings of the directors and of the members; a true list of the holders of the guaranty capital, if any, the number of shares owned by each, and a record of all transfers of such shares; and shall record all policies issued and all authorized assignments, transfers

P. S. 119, §§ 81, 82.
Directors to elect president, etc.

To call special meetings, when.

Treasurer to give bond.
Officers to be sworn.

President, etc., to preside at meetings.

The secretary to keep record of transactions.

Record to be evidence.
Penalty for false record.

and cancellations thereof; and such other books and records as the president and directors may require. The records so kept shall be evidence of the transactions to which they relate, and for making any wilfully false record the secretary shall be deemed guilty of the crime of perjury. Such records shall be open to the inspection of any person interested therein.

Companies with a Guaranty Capital.

P. S. 119, §§ 74, 75, 76.

What dividends shareholders are entitled to.

May accumulate a special reserve.

Dividends to policy-holders.

When guaranty capital is liable for losses.

Impairment of capital, how made good.

Right to vote of shareholders and members.

SECTION 12. The stockholders of the guaranty capital of a company, acquired under the provisions of chapter three hundred and seventy-five of the acts of the year one thousand eight hundred and seventy-two, shall be entitled to a semi-annual dividend of not more than three and one-half per cent. on their respective shares, if the net profit, or unused premiums, left after all expenses, losses and liabilities then incurred, together with the reserve for reinsurance, are provided for, shall be sufficient to pay the same; and if any dividend is less than three and one-half per cent. the deficiency shall be made up when such net profit becomes sufficient therefor. After the payment of such dividends three-fourths of the residue of net profits shall be credited to and divided among the insured at the expiration of their policies, and one-fourth shall be invested and be a special reserve for the payment of losses and other liabilities when the other cash funds exclusive of the reinsurance reserve are expended: but when such reserve equals two per cent. of the amount of insurance, all the net profits, after payment of such dividends to shareholders, not needed to maintain the reserve at that limit, shall be divided among the insured at the expiration of their policies. The guaranty capital shall be applied to the payment of losses only when the cash funds not appropriated to the reserve for reinsurance are exhausted, and if it is thus impaired at any time by the payment of losses, such impairment shall be made good from the earliest accumulations of the special reserve, or the directors may make good the whole or any part of it by assessments upon the contingent funds of the company at the date of such impairment. Shareholders and members of such companies shall be subject to the same provisions of law in respect to their right to vote as apply respectively to shareholders in stock companies and to policy-holders in purely mutual companies.

Dividends of Surplus to Policy-holders.

SECTION 43. Any such company having no guaranty capital may, at a meeting called for such purpose, provide for the accumulation of a permanent fund, by reserving a portion of the net profits to be invested, and be a reserve for the security of the insured. Such reservation shall not exceed twenty per cent. of said net profit; and when the fund so accumulated amounts to two per cent. of the sum insured by all policies in force, the whole of the net profits shall be divided among the insured at the expiration of their policies. The permanent fund so accumulated shall be used for the payment of losses and expenses, whenever the cash funds of the company in excess of an amount equal to its liabilities are exhausted; and whenever the said fund is drawn upon, the reservation of profits as aforesaid shall be renewed or continued until the limit of accumulation as herein provided is reached.

Mutual companies may accumulate a permanent fund. P. S. 119, § 96.

Limit of accumulation.

Rights and Liabilities of Members.

SECTION 44. Subject to the provisions of sections forty-two and forty-three every member of a mutual fire insurance company when his policy expires shall be entitled to be paid in cash his share of the net profits or surplus accrued while his policy was in force; and shall in like manner be liable to pay his proportional part of any assessments which may be laid by the company in accordance with the laws and his contract on account of losses and expenses incurred while he was a member, provided he is notified of such assessment within two years after the expiration of his policy.

Members entitled to profits and liable for losses. P. S. 119, §§ 97, 107.

SECTION 45. Mutual fire insurance companies, except as provided in the next section, shall charge and collect upon their policies a full mutual premium in cash or notes absolutely payable. Any such company may in its by-laws and policies fix the contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds: *provided*, that such contingent liability of a member shall not be less than a sum equal to and in addition to the cash premium written in his policy. The total amount of the liability of the policy-holder shall be plainly and legibly stated upon the back of each policy.

Companies shall collect full mutual premiums.

May fix the contingent liability of its members.

Liability to be stated on policy.

SECTION 46. Mutual fire insurance companies now organized and lawfully doing business upon the plan of taking deposit notes for a percentage of the amount

Certain companies may do business with deposit notes. P. S. 119, § 115.

insured by its policies and making a call or assessment thereon for the payment of losses and expenses as the same are incurred, may continue such system of business, and such deposit notes shall constitute the entire liability of their members.

Assessments.

Assessments, when to be made: record of the order for the assessment and a statement to be made.
P. S. 119, §§ 98, 99.

SECTION 47. Whenever a mutual fire insurance company is not possessed of cash funds above its reinsurance reserve sufficient for the payment of incurred losses and expenses it shall make an assessment for the amount needed to pay such losses and expenses upon its members liable to assessment therefor in proportion to their several liability. The company shall cause to be recorded in a book kept for that purpose the order for such assessment together with a statement which shall set forth the condition of the company at the date of the order, the amount of its cash assets and of its deposit notes or other contingent funds liable to the assessment, the amount the assessment calls for and the particular losses or other liabilities it is made to provide for. Such record shall be made and signed by the directors who voted for the order before any part of the assessment is collected, and any person liable to the assessment may inspect and take a copy of the same.

Alternative assessments, compulsory and optional, may be made.
P. S. 119, § 100.

SECTION 48. When by reason of depreciation or loss of its funds or otherwise the cash assets of such a company after providing for its other debts are less than the required premium reserve upon its policies it shall make good the deficiency by assessment in the mode provided in the last section; or if the directors are of the opinion that the company is likely to become insolvent they may, instead of such assessment, make two assessments, the first determining what each policy-holder must equitably pay or receive in case of withdrawal from the company and having his policy cancelled, the second what further sum each must pay in order to reinsure the unexpired term of his policy at the same rate as the whole was insured at first. Each policy-holder shall pay or receive according to the first assessment, and his policy shall then be cancelled, unless he pays the further sum determined by the second assessment, in which case his policy shall continue in force; but in neither case shall a policy-holder receive or have credited to him more than he would have received on having his policy cancelled by vote of the directors under the by-laws. If within two months after

Unless both assessments are paid on policies of the amount of \$500,000 the company to cease business.
P. S. 119, § 106.

such alternative assessments have become collectible the amount of the policies whose holders have settled for both assessments is less than five hundred thousand dollars the company shall cease to issue policies; and all policies whose holders have not settled for both assessments shall be void, and the company shall continue only for the purpose of adjusting the deficiency or excess of premiums among the members and settling outstanding claims. No assessment shall be valid against a person who has not been duly notified thereof within two years after the expiration or cancellation of his policy. And when an assessment is ordered the directors shall forthwith cause written notice and demand for payment to be made upon each person subject thereto by mail or personal service.

Members to be notified of assessment.
P. S. 119, § 107.

SECTION 49. When the directors make an assessment or call on the members for money, or vote that there exists a necessity for such assessment or call, they or any person interested in the company as an officer, policyholder or creditor may apply to the supreme judicial court for any county, by a petition in the nature of a bill in equity, praying the court to examine said assessment or call, the necessity therefor, and all matters connected therewith, and to ratify, amend or annul the assessment or call, or to order that the same be made as law and justice may require; but application when made by any party except the corporation, or a receiver, or the insurance commissioner, shall rest in the discretion of the court. When the directors unreasonably neglect to make an assessment or call to satisfy an admitted or ascertained claim upon the company, any judgment creditor, or any person holding such claim, or the insurance commissioner, may make the application to the court. Upon such application, if made by the directors, or upon an order of the court, if made by any other party, the directors shall set forth the claims against the company, its assets, and all other facts and particulars appertaining to the matter. The court before which such petition is filed shall order notice to be given by publication or otherwise to all parties interested, and upon the return thereof shall proceed to examine the assessment or call, or the necessity therefor, and all matters connected therewith. Any parties interested may appear and be heard thereon. All questions that arise shall be heard and determined as in other equity cases. The application shall be referred to an auditor, who

Supreme judicial court may order assessment, or adjudge the necessity of one called by directors; procedure; decree of the court.
P. S. 119, §§ 161-105.

Auditor to appoint a time and place to hear parties interested.

shall appoint a time and place to hear all parties interested, and shall give personal notice thereof in writing to the insurance commissioner, and through the post-office, so far as he is able, to all persons liable upon said assessment or call. The auditor shall hear the parties, and report upon the correctness of the assessment or call, and all matters connected therewith. The court may ratify, amend or annul the assessment or call, or order one to be made; and may make such orders and decrees in the premises as under all the circumstances justice and equity require. If the assessment or call is altered or amended, or one is ordered to be made, the directors shall forthwith proceed to vote the same in legal form, and the record of such vote shall be set forth in a supplemental bill or answer. When an assessment or call has been so ratified, ascertained or established, a decree shall be entered which shall be final and conclusive upon the company and all parties liable to the assessment or call, as to the necessity of the same, the authority of the company to make or collect the same, the amount thereof, and all formalities connected therewith. An assessment or call altered or amended by vote of directors and decree of the court thereon shall be binding upon all parties who would have been liable under it as originally made, and in all legal proceedings shall be held to be such original assessment or call. All such proceedings shall be at the cost of the company, unless the court for cause otherwise orders; and in all cases the court may control the disposition of the funds collected under such proceedings. If it appears to the court before which such application is pending that the net proceeds of any assessment or call will not be sufficient to furnish substantial relief to those having claims against the company, the judge may decree that no assessment shall be collected; and when, upon the application of the insurance commissioner, or a member of the company, or of any person interested, the judge is of opinion that further attempts to collect an assessment then partially collected will not benefit those having claims against the company, he may stay the further collection of said assessment.

Personal Liability of Officers.

Officer shall give no guaranty against assessment.

SECTION 50. No director or other officer of a mutual fire insurance company shall either officially or privately

give a guaranty to a policy-holder thereof against an assessment to which he would otherwise be liable. If the directors of any such company shall neglect or omit for the space of six months to lay and collect with all practicable diligence any assessment they are required to make by sections forty-eight and forty-nine, they shall be personally liable for all debts and claims then outstanding against the company or that may accrue until such assessment is laid and put in process of collection. If the treasurer of such company unreasonably neglects to collect an assessment made by order of the directors and to apply the same to the payment of the claims for which it was made, he shall be liable in his private capacity to the party having such claims for the amount of the assessment; and he may repay himself out of any money afterwards received for the company on account of said assessment. When sufficient property of any such company cannot be found to satisfy an execution issued against it, and it has property belonging to the period assessed, the proceeds of which can be applied to satisfy such execution, if the directors neglect to pay the same, or neglect for thirty days after the rendition of judgment to make an assessment and deliver the same to the treasurer for collection, or to apply such assessment when collected to the payment of the execution, they shall be personally liable for the amount of the execution. When the directors of any such company are liable to pay an execution against it, the creditor may recover the same by a suit in equity or by an action at law against the directors. A director who pays an execution against the company for which he is personally liable may have a suit at law with equitable remedies for contribution against any of the directors for their proportion, and also a suit at law with equitable remedies against the company or the individual members thereof to the extent of their several liability to assessment therefor.

P. S. 119, § 108.
Penalty.
See § 106.
Directors liable if they neglect to make assessment.
P. S. 119, §§ 109, 110.

Treasurer liable for neglect to collect assessment.
P. S. 119, § 112.

Directors liable for neglect to satisfy judgment or assessment therefor.

Remedy of judgment creditor, and of director who pays on execution.
P. S. 119, §§ 110, 111.

Limit of Risks.

SECTION 51. Mutual fire insurance companies may insure property in any of the New England states, New York, New Jersey and Pennsylvania. Such companies which have a guaranty capital or which insure manufacturing property only may make insurances upon property located in any part of the United States or in Canada.

Location of property companies may insure.
P. S. 119, § 88.
1886, c. 222.
See §§ 29, 56, 57

MUTUAL MARINE AND MUTUAL FIRE AND MARINE COMPANIES.

Mutual marine company to have a subscription liability fund.

SECTION 52. A mutual marine insurance company organized under this act shall have an agreement under the seal of each subscriber thereto substantially as follows, namely : —

Form of subscription. P. S. 119, § 116.

The subscribers severally agree to pay to the _____ insurance company on demand the whole or such part of the sums set against our names as may be called from time to time for the use of said company in the payment of its losses and expenses not otherwise provided for.

Not to issue policies until \$300,000 is subscribed and certified.

Such company shall not issue policies until the amount of three hundred thousand dollars, which shall be the total of such subscriptions, shall have been so subscribed, and a certificate signed by the president and a majority of the directors, certifying that the subscribers are known to them and that they believe them to be solvent and able to pay their subscriptions, has been deposited with and approved by the insurance commissioner. Whenever a subscriber dies or becomes insolvent his subscription shall be cancelled, and whenever the amount of the subscription fund is thereby or otherwise reduced, the deficiency shall be made good by new subscriptions certified in the same manner as the original. Subscribers shall be entitled to annual dividends of two per cent. upon the amount of their subscriptions from the profits of the company, and shall also be reimbursed from future profits for all sums of money they may pay the company for its uses under their agreement, with lawful interest thereon. The net profits or divisible surplus of such companies shall be annually divided among the insured whose policies terminated within the year in proportion to the contribution of each to such profits or surplus, and such dividends shall be made only in scrip certificates payable only out of the accumulation of net profits or surplus, which accumulation shall constitute and be kept and invested by the company as a separate fund in trust for the redemption of such scrip certificates and the contingent payment of losses and expenses as herein provided. Such certificates until redeemed shall be subject to future losses and expenses of the company and to be reduced in case the redemption fund is drawn upon for the payment of such loss and expenses. But no part of the redemption

Amount of subscriptions to be kept good.

Subscribers entitled to dividends, and reimbursement of payments upon subscriptions.

Company shall accumulate profits and issue scrip therefor.

fund shall be used for the payment of losses or expenses unless and only to the extent that the cash assets of the company are insufficient therefor; and whenever any portion thereof shall be used for such payment the outstanding certificates shall be reduced in proportion, so that the redemption fund shall at all times equal the amount of the unredeemed certificates. The net income of the redemption fund shall be divided annually among the holders of its certificates. Or the company may make such certificates with a specific rate of interest payable from the income of its invested funds. As such profits accumulate and are invested subscriptions of an equal amount shall be cancelled. The maximum of such accumulation of profits shall be three hundred thousand dollars, and all excess of profits above said amount shall be applied annually to the payment of the certificates in the order of their issue. The certificates shall be forthwith payable when the company shall cease to issue policies and the fund is no longer liable to be drawn upon for the payment of losses.

Limit of accumulation of profits.

SECTION 53. Every mutual marine and mutual fire and marine insurance company heretofore organized under any law of the Commonwealth shall remain subject to the provisions applicable to each contained in sections one hundred and seventeen to one hundred and thirty inclusive, of chapter one hundred and nineteen of the Public Statutes, notwithstanding the repeal of said chapter. Any such company may redeem its certificates of dividends of profits when its permanent fund has been paid in cash and invested and its surplus is sufficient for the purpose. The shareholders of the permanent fund of any such company shall hereafter be entitled to not exceeding five per cent. semi-annual dividends thereon.

Companies heretofore organized. P. S. 119, §§ 117-130.

May redeem certificates of profits.

Dividends to shareholders reduced.

SECTION 54. All domestic mutual marine insurance companies shall be subject to the provisions of sections forty and forty-one and each subscriber to the permanent fund or agreement specified in section fifty-two of any such company shall be a member thereof during the term of his subscription and entitled to one vote.

Rights of members; election, powers and duties of officers.

Personal Liability of Officers.

SECTION 55. If a subscriber to the permanent fund or agreement of a mutual marine or mutual fire and marine insurance company fails to pay his subscription or any

For certifying falsely. P. S. 119, § 119

assessment thereon, and it is proven that the president or a director certified falsely in regard to such subscriber, the person certifying shall be liable to the company for such sum as the subscriber fails to pay. If any such company is at any time liable for losses beyond the amount of its net assets the president and directors shall be personally liable for all losses on insurance effected while the company was in such condition.

For over-insurance.
P. S. 119, § 123.
10 Gray, 325.
12 Gray, 355.

FIRE INSURANCE.

Limit to amount a company may insure in a town or fire insurance district.

SECTION 56. No insurance company shall insure in any one town or fire insurance district established under the provisions of chapter three hundred and seventy-five of the acts of the year one thousand eight hundred and seventy-two on property other than dwelling houses, farm buildings and their contents, an amount exceeding its net assets. And when from any cause a company has at risk in any town or fire insurance district an amount as aforesaid in excess of its net assets, it shall forthwith by reinsurance or by cancellation of policies and return of unearned premiums thereon to the insured reduce the amount of insurance to the authorized limit. But no policy shall be cancelled until after notice to the holder. Every company shall on or before the fifteenth day of January in each year return to the insurance commissioner a sworn statement of the amount taken or held by it at risk in each town or fire insurance district on the thirty-first day of December next preceding, and shall furnish such other statements and comply with such rules and regulations as the commissioner may deem expedient to require and adopt to procure trustworthy information of the premises.

Company to make returns annually to the insurance commissioner of amounts at risk in each town and district.
P. S. 119, §§ 133, 134, 135.
Penalty.
See § 103.

Over-insurance forbidden
P. S. 119, § 136.

SECTION 57. No insurance company shall knowingly issue any fire insurance policy upon property within this Commonwealth for an amount which together with any existing insurance thereon exceeds the fair value of the property, nor for a longer term than seven years.

Payment to mortgagees protected by policies.
P. S. 119, § 137.

SECTION 58. Where by an agreement with the insured or by the terms of a fire insurance policy taken out by a mortgagor the whole or any part of the loss thereon is payable to a mortgagee or mortgagees of the property or for their benefit the company shall, upon satisfactory proof of the rights and title of the parties, in accordance with such terms or agreement, pay all mortgagees pro-

ected by such policy in the order of their priority of claim, as their claim shall appear, not beyond the amount for which the company is liable, and such payment shall be, to the extent thereof, payment and satisfaction of the liability of the company under such policy.

SECTION 59. In all insurance against loss by fire the conditions of insurance shall be stated in full, and neither the application of the insured nor the by-laws of the company shall be considered as a warranty or a part of the contract, except so far as they are incorporated in full into the policy.

Applications and by-laws not warranties unless incorporated in the policy.
P. S. 119, § 138.

SECTION 60. No fire insurance company shall issue fire insurance policies on property in this Commonwealth, other than those of the standard form herein set forth, except as follows, to wit:—

Standard form of fire policy.
Penalty.
See § 105.

First, A company may print on or in its policies its name, location, and date of incorporation, the amount of its paid-up capital stock, the names of its officers and agents, the number and date of the policy, and, if it be issued through an agent the words, “This policy shall not be valid until countersigned by the duly authorized agent of the company at”

Second, A company may print or use in its policies printed forms of description and specification of the property insured.

Third, A company insuring against damage by lightning may print, in the clause enumerating the perils insured against, the additional words, “Also any damage by lightning, whether fire ensues or not,” and, in the clause providing for an apportionment of loss in case of other insurance, the words, “whether by fire, lightning, or both.”

Fourth, A company incorporated or formed in this Commonwealth may print in its policies any provisions which it is authorized or required by law to insert therein; and any company not incorporated or formed in this Commonwealth may, with the approval of the insurance commissioner, so print any provision required by its charter or deed of settlement or by the laws of its own state or country, not contrary to the laws of this Commonwealth: *provided*, that the insurance commissioner shall require any provision which, in his opinion, modifies the contract of insurance in such way as to affect the question of loss, to be appended to the policy by a slip or rider as hereinafter provided.

Proviso.

Fifth. The blanks in said standard form may be filled in print or writing.

Massachusetts
Standard
Policy.

Sixth. A company may print upon policies issued in compliance with the preceding provisions of this section the words, "Massachusetts Standard Policy."

Seventh. A company may write upon the margin or across the face of a policy, or write, or print in type not smaller than long primer, upon separate slips or riders to be attached thereto, provisions adding to or modifying those contained in the standard form; and all such slips, riders, and provisions must be signed by the officers or agent of the company so using them.

The said standard form of policy shall be plainly printed, and no portion thereof shall be in type smaller than long primer, and shall be as follows, to wit:—

No. §———
[Corporate name of the company or association: its principal place or places of business.]

This company shall not be liable beyond the actual value of the insured property at the time any loss or damage happens.

In consideration of dollars to them paid by the insured, hereinafter named, the receipt whereof is hereby acknowledged, do insure and legal representatives against loss or damage by fire, to the amount of dollars.

(Description of property insured.)

Property not
covered by
policy.

Bills of exchange, notes, accounts, evidences and securities of property of every kind, books, wearing apparel, plate, money, jewels, medals, patterns, models, scientific cabinets and collections, paintings, sculpture and curiosities are not included in said insured property, unless specially mentioned.

Term.

Said property is insured for the term of , beginning on the day of, in the year eighteen hundred and , at noon, and continuing until the day of, in the year

Perils insured
against.

eighteen hundred and , at noon, against all loss or damage by FIRE originating from any cause except invasion, foreign enemies, civil commotions, riots, or any military or usurped power whatever; the amount of said loss or damage to be estimated according to the actual value of the insured property at the time when such loss or damage happens, but not to include loss or damage caused by explosions of any kind unless fire ensues, and then to include that caused by fire only.

Matters void-
ing policy.

This policy shall be void if any material fact or circumstance stated in writing has not been fairly represented by the insured, — or if the insured now has or shall hereafter make any

other insurance on the said property without the assent in writing or in print of the company, — or if, without such assent, the said property shall be removed, except that, if such removal shall be necessary for the preservation of the property from fire, this policy shall be valid without such assent for five days thereafter, — or if, without such assent, the situation or circumstances affecting the risk shall, by or with the knowledge, advice, agency or consent of the insured, be so altered as to cause an increase of such risks, or if, without such assent the said property shall be sold, or this policy assigned, or if the premises hereby insured shall become vacant by the removal of the owner or occupant, and so remain vacant for more than thirty days without such assent, or if it be a manufacturing establishment, running in whole or part extra time, except that such establishments may run in whole or in part extra hours not later than nine o'clock p. m., or if such establishments shall cease operation for more than thirty days without permission in writing indorsed hereon, or if the insured shall make any attempt to defraud the company, either before or after the loss, — or if gunpowder or other articles subject to legal restriction shall be kept in quantities or manner different from those allowed or prescribed by law, — or if camphene, benzine, naphtha, or other chemical oils or burning fluids shall be kept or used by the insured on the premises insured, except that what is known as refined petroleum, kerosene or coal-oil may be used for lighting, and in dwelling houses, kerosene oil stoves may be used for domestic purposes — to be filled when cold, by daylight and with oil of lawful fire test only.

If the insured property shall be exposed to loss or damage by fire, the insured shall make all reasonable exertions to save and protect the same.

Assured to protect property in case of exposure to fire.

In case of any loss or damage under this policy, a STATEMENT in writing, signed and sworn to by the insured, shall be forthwith rendered to the company, setting forth the value of the property insured, the interest of the insured therein, all other insurance thereon, in detail, the purposes for which and the persons by whom the building insured, or containing the property insured, was used, and the time at which and manner in which the fire originated, so far as known to the insured. The company may also examine the books of account and vouchers of the insured, and make extracts from the same.

Statement by insured in case of loss.

In case of any loss or damage, the company, within sixty days after the insured shall have submitted a statement, as provided in the preceding clause, shall either pay the amount for which it shall be liable, *which amount if not agreed upon shall be ascertained by award of referees as hereinafter provided*, or replace the property with other of the same kind and goodness, — or it may, within fifteen days after such statement is submitted, notify the insured of its intention to rebuild or re-

Payment of loss to be made within sixty days after proof, unless company elects to replace or repair.

pair the premises, or any portion thereof separately insured by this policy, and shall thereupon enter upon said premises and proceed to rebuild or repair the same with reasonable expedition. It is moreover understood that there can be no abandonment of the property insured to the company, and that the company shall not in any case be liable for more than the sum insured, with interest thereon from the time when the loss shall become payable, as above provided.

Apportionment of loss in case of other insurance.

If there shall be any OTHER INSURANCE on the property insured, whether prior or subsequent, the insured shall recover on this policy no greater proportion of the loss sustained than the sum hereby insured bears to the whole amount insured thereon. And whenever the company shall pay any loss, the insured shall assign to it, to the extent of the amount so paid, all rights to recover satisfaction for the loss or damage from any person, town, or other corporation, excepting other insurers; or the insured, if requested, shall prosecute therefor at the charge and for the account of the company.

Insured to assign to company claims against third parties.

Rights of parties in case the policy is made payable to a mortgagee.

If this policy shall be made payable to a mortgagee of the insured real estate, no act or default of any person other than such mortgagee or his agents, or those claiming under him, shall affect such mortgagee's right to recover in case of loss on such real estate: *provided*, that the mortgagee shall, on demand, pay according to the established scale of rates for any increase of risks not paid for by the insured; and whenever this company shall be liable to a mortgagee for any sum for loss under this policy, for which no liability exists as to the mortgagor, or owner, and this company shall elect by itself, or with others, to pay the mortgagee the full amount secured by such mortgage, then the mortgagee shall assign and transfer to the companies interested, upon such payment, the said mortgage, together with the note and debt thereby secured.

Cancellation of policy.

This policy may be CANCELLED at any time at the request of the insured, who shall thereupon be entitled to a return of the portion of the above premium remaining, after deducting the customary monthly short rates for the time this policy shall have been in force. The company also reserves the right, after giving written notice to the insured, and to any mortgagee to whom this policy is made payable, and tendering to the insured a ratable proportion of the premium, to cancel this policy as to all risks subsequent to the expiration of ten days from such notice, and no mortgagee shall then have the right to recover as to such risks.

Differences to be submitted to referees.

In case of loss under this policy and a failure of the parties to agree as to the amount of loss, it is mutually agreed that the amount of such loss shall be referred to three disinterested men, the company and the insured each choosing one out of three persons to be named by the other, and the third being selected by the two so chosen; the award in writing by a majority

of the referees shall be conclusive and final upon the parties as to the amount of loss or damage, and such reference unless waived by the parties *shall be a condition precedent to any right of action in law or equity to recover for such loss*; but no person shall be chosen or act as referee, against the objection of either party, who has acted in a like capacity within four months.

No suit or action against this company for the recovery of any claim by virtue of this policy shall be sustained in any court of law or equity in this Commonwealth unless commenced within two years from the time the loss occurred.

In witness whereof the said _____ company has caused this policy to be signed by its president and attested by its secretary [or by such proper officers as may be designated], at their office in _____ [date].

FIDELITY INSURANCE AND CORPORATE SURETY.

SECTION 61. Any company organized under this act or chartered by any other state or government to transact fidelity insurance and corporate suretyship, and qualified to do business in this Commonwealth may make contracts of insurance to guarantee the fidelity of persons holding positions of trust in private or public employment or responsibility, and may, if accepted and approved by the court, magistrate, obligee or person competent to approve such bond, act as surety upon the official bond or undertaking in civil procedure of any person or corporation to the United States, to the Commonwealth of Massachusetts, or to any county, city, town, judge of probate and insolvency, sheriff or other court, magistrate or public officer, or to any corporation or association public or private; and also may act as surety upon any bond or undertaking to any person or corporation conditioned upon the performance of any duty or trust or for the doing or not doing of anything in said bond specified, and upon bonds to indemnify against loss any person or persons who are responsible as surety or sureties upon a written instrument or otherwise for the performance by others of any office, employment, contract or trust. Where by law two or more sureties are required upon any obligation such company is authorized to insure, it may act as sole surety thereon, and may be accepted as such by the court, magistrate or other officer or person authorized to approve the sufficiency of such bond or undertaking; and so much of section one of chapter one hundred and forty-three of the Public Statutes as requires that sureties on bonds to a judge of pro-

Fidelity insurance companies may insure the fidelity of persons and act as surety on bonds, etc.
1884, c. 296.
1885, c. 241.

May be sole surety in certain cases, and upon probate bonds though non-resident.

bate shall be residents of the Commonwealth shall not be construed to forbid the acceptance of a qualified foreign corporation as joint or sole surety on any such bond. No such company shall incur in behalf or on account of any one person, partnership, association or corporation a liability for an amount larger than one-tenth of its paid-up capital, unless it shall be secured from loss thereon beyond that amount by deposit with it in pledge or conveyance to it in trust for its protection, of property equal in value to the excess of its liability over such limit.

Limit of liability a company may incur.

REAL ESTATE TITLE INSURANCE.

SECTION 62. Companies may be formed in the manner provided in chapter one hundred and six of the Public Statutes, with a capital of not less than two hundred thousand dollars nor more than one million dollars for the purpose of examining titles to real estate, of furnishing information in relation thereto, and of insuring owners and others interested therein against loss by reason of incumbrances and defective title. Such companies shall have the same powers and privileges and be subject to the same duties, liabilities and prohibitions as other corporations under said chapter, but shall not be subject to the provisions of this act except as follows, to wit: Any such corporation, before it shall issue any policy or make any contract of guaranty or insurance shall file with the insurance commissioner a certified copy of the record of its certificate of its organization in the office of the secretary of the Commonwealth and shall obtain from the insurance commissioner his certificate that it has complied with the laws applicable to it and is authorized to do business. Every such corporation shall, on or before the fifteenth day of January of each year, file in the office of the insurance commissioner a statement such as he may require of its condition and of its affairs for the year ending on the preceding thirty-first day of December, signed and sworn to by its president or secretary or treasurer and one of its directors, and for neglect to file such annual statements or for making a wilfully false statement shall be liable to the same penalties as are imposed upon insurance companies. The insurance commissioner shall have the same power and authority to visit and examine such corporations as he has in the case of domestic insurance companies, and the duties and liabilities of such corpora-

Organization of companies to insure against real estate incumbrances and defects of title, etc.
1884, c. 180.

Subject to, P. S. c. 106.
Not subject to this act except, etc.

Shall file evidence of organization with commissioner and obtain certificate of authority to do business.

To make annual statements of condition.

Penalty for neglect or false statement.

Commissioner may visit and examine companies.

tions and their agents in reference to such examination shall be the same as are those of domestic insurance companies.

SECTION 63. Every such corporation shall set apart a sum not less than two-fifths of its capital, and not less than one hundred thousand dollars in any case, as a guaranty fund, and shall invest the same in the securities in which domestic insurance companies may invest their capital, and shall issue no policy and make no contract of guaranty or insurance until such sum is so set apart and invested. The principal of such guaranty fund shall be a trust for the protection of policy-holders and shall be applied only to the payment of losses and expenses incurred by reason of the guaranty or insurance contracts of the corporation. Whenever the corporation shall increase its capital, two-fifths or a sufficient part of the increase shall be set apart and duly invested and added to the guaranty fund so that such fund shall always be not less in amount than two-fifths of the entire capital. Whenever, by reason of losses or other cause, the guaranty fund is less than two-fifths of the capital, the company shall make no further contract of guaranty or insurance until the fund is made good.

Not less than two-fifths of capital to be set apart and invested in trust for protection of policy-holders.

Guaranty fund when impaired to be made good.

SECTION 64. Any company organized under the authority of chapter one hundred and eighty of the acts of the year eighteen hundred and eighty-four shall be subject to the provisions of the two preceding sections, and such company and all corporations established as here authorized shall be taxable like domestic insurance companies.

Liable to taxation as insurance companies.

LIFE INSURANCE AND LIFE INSURANCE COMPANIES.

SECTION 65. All corporations, associations, partnerships or individuals doing business in this Commonwealth under any charter, compact, agreement or statute of this or any other state, involving an insurance, guaranty, contract or pledge for the payment of endowments or annuities, or for the payment of money or other thing of value to families or representatives of policy and certificate holders or members, conditioned upon the continuance or cessation of human life, save as provided in section three, shall be deemed to be life insurance companies and shall not make any such insurance, guaranty, contract or pledge in this Commonwealth or to or with any citizen or resident thereof, which does not distinctly state the amount

What to be deemed life-insurance companies. Prohibitions. P. S. 119, § 154.

of benefits payable, the manner of payment and the consideration therefor, nor the performance of which is contingent upon the payment of assessments made upon survivors.

Companies to
cease business
after notice.
P. S. 119, § 155.
Penalty.
See § 104.

SECTION 66. No life insurance company, after notice as provided in sections seven and nine, shall issue new policies under its authority to do business in the Commonwealth until its funds have become equal to its liabilities and it has complied with the laws as provided in said sections, and has obtained a certificate to that effect, with license to resume business, from the insurance commissioner.

Admission of
foreign life com-
panies.

SECTION 67. A company organized under the laws of any other of the United States for the transaction of life insurance may be admitted to do business in this Commonwealth, provided it has the requisite funds of a life insurance company and in the opinion of the commissioner is in sound financial condition and has policies in force upon not less than one thousand lives for an aggregate amount of not less than one million dollars. Any such company organized under the laws of a state or government other than one of the United States, in addition to the above requirements, must have and keep on deposit or in the hands of trustees, as provided in sections seventy-nine and eighty-one, in exclusive trust for the security of its contracts with policy-holders in the United States, funds of an amount equal to the net value of all its policies in the United States and not less than two hundred thousand dollars.

Favoritism in
insurance con-
tracts prohib-
ited.

SECTION 68. No life insurance company doing business in Massachusetts shall make or permit any distinction or discrimination in favor of individuals between insureds of the same class and equal expectation of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such company or any agent thereof make any contract of insurance, or agreement as to such contract, other than as plainly expressed in the policy issued thereon; nor shall any such company or agent pay or allow or offer to pay or allow as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefit to accrue

thereon, or any valuable consideration or inducement whatever not specified in the policy contract of insurance.

SECTION 69. No life insurance company shall make any distinction or discrimination between white persons and colored persons wholly or partially of African descent, as to the premiums or rates charged for policies upon the lives of such persons: nor shall any such company demand or require greater premiums from such colored persons than are at that time required by such company from white persons of the same age, sex, general condition of health and prospect of longevity: nor shall any such company make or require any rebate, diminution or discount upon the amount to be paid on such policy in case of the death of such colored person insured, nor insert in the policy any condition, nor make any stipulation whereby such person insured shall bind himself or his heirs, executors, administrators and assigns to accept any sum less than the full value or amount of such policy in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed upon white persons in similar cases: and any such stipulation or condition so made or inserted shall be void. Any such company which shall refuse the application of any such colored person for insurance upon such person's life shall furnish such person, on his request therefor, with the certificate of some regular examining physician of such company who made the examination, stating that such refusal was not because such applicant is a person of color, but solely upon such grounds of the general health and prospect of longevity of such person as would be applicable to white persons of the same age and sex.

Discrimination between white and colored persons forbidden. 1884, c. 235. Penalty. See § 100.

SECTION 70. Every life insurance company doing business in Massachusetts shall report in its annual statement the amount of forfeitures and undivided surplus on lapsed or terminated policies which it holds for or which is to accrue to the benefit of any class of its policy-holders, whether or not dividends thereof have been declared or allotment made, and whether or not liable for obligations of the company until distribution thereof is made: also the amount of surplus, not ordered to be distributed and not included in the annual statement as dividends due to policy-holders, and not appropriated to the permanent safety fund under the provisions of section seventy-five, accrued from and contributed by its policies in force.

Surplus account to be reported in annual statement.

Valuation of policies.
Payment for.
1884, c. 55.

SECTION 71. Every life insurance company doing business in this Commonwealth shall annually pay into the treasury of the same, by the way of compensation for the valuation of its policies, five mills on every thousand dollars insured by it on lives.

Reinsurance by domestic life companies.
P. S. 119, § 152.

SECTION 72. No domestic life insurance company shall reinsure its risks except by permission of the insurance commissioner; but may reinsure not exceeding one-half of any individual risk. The stockholders of the guaranty capital of any such company shall be entitled to such annual dividends not exceeding eight per cent., payable from the net surplus, as may have been agreed upon in the subscription thereof. Any such company may redeem its guaranty capital by appropriation of net surplus for that purpose whenever its members so vote.

Rights of creditor and of beneficiary.
P. S. 119, § 167.

SECTION 73. When a policy of insurance is effected by any person on his own life, or on another life in favor of some person other than himself having an insurable interest therein, the lawful beneficiary thereof, other than himself or his legal representatives, shall be entitled to its proceeds, against the creditors and representatives of the person effecting the same: *provided*, that, subject to the statute of limitation, the amount of any premiums for said insurance paid in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the company shall have written notice by or in behalf of some creditor, with specification of the amount claimed, claiming to recover for certain premiums paid in fraud of creditors.

Rights of Policy-holders in Domestic Mutual Life Companies.

Policy-holders are members.

SECTION 74. Every person insured by a domestic mutual life insurance company shall be a member entitled to one vote, and one vote additional for each five thousand dollars of insurance in excess of the first five thousand dollars, and shall be notified of its annual meetings by written notice or by an imprint in the form prescribed in section forty upon the back of each policy, receipt, or certificate of renewal. Members may vote by proxies dated and executed within three months and returned and recorded on the books of the company seven days or

Shall have notice of annual meetings.

Votes and proxies.
P. S. 119, § 153.
Penalty.
See § 107.

more before the meeting at which they are to be used; but no person shall be allowed as proxy or otherwise to cast more than twenty votes, and no officer shall himself, or by another, ask for, receive, procure to be obtained or use a proxy vote.

SECTION 75. Every such domestic life company shall annually, or once in every two, three, four or five years, as it shall determine, and as may be conditioned in its policies, make distribution of all surplus it may have accumulated since its last dividend of surplus. By such surplus is here intended all accumulations since its last distribution of surplus above its debts and reserve computed as provided in section eleven. The distribution shall be upon what is known as the contribution plan, and each member upon whose policy no premium is overdue and unpaid shall be entitled to the amount contributed by his policy to such surplus. Policies which have become payable before the time when such distribution is made, and after the date of the last previous distribution, shall share in the same equitably and proportionally: *provided*, that, besides the aggregate market value margin in excess of par of all bonds held by a company, and not included in its reserve, any such company may accumulate from its surplus and hold as a safety fund an amount not larger than ten per cent. of its required legal reserve. Such safety fund, or any part thereof, may be applied to supply any deficiency in the reserve caused by depreciation of assets or losses and expenses beyond the ability of the company to otherwise provide for. Upon the termination, by reason of death or maturity, of any policy hereafter issued upon which there has been no default in payment of premium, the amount payable thereon shall include, as a special distribution of surplus, such portion of the company's safety fund, if any, as may be determined by the following rule, viz.: If the company's surplus, as shown by the last report of the insurance company, as made to the insurance commissioner, prior to the termination of the said policy, was a greater amount than was shown by the first report of the insurance company after the policy was issued, it shall be ascertained what percentage the net increase in surplus during that time is on the company's total distributions during the same interval, and the same percentage of the sum of all the distributions already paid on the said policy shall constitute the special dividend.

Distribution of surplus.
P. S. 119, §§ 147-150.

Safety fund.

Non-forfeiture
of policies.

Paid-up and
cash surrender
values.
P. S. 119, §§ 159,
165.

Proviso.

SECTION 76. All policies hitherto issued by any domestic life insurance company shall be subject to the provisions of law applicable and in force at the date of such issue. No policy of life or endowment assurance hereafter issued by any such company shall become forfeit or void for non-payment of premium after two full annual premiums, in cash or note, or both, have been paid thereon; but in case of default in the payment of any subsequent premium, then, without any further stipulation or act, such policy shall be binding upon the company for the amount of paid-up insurance which the then net value of the policy and all dividend additions thereon, computed by the rule of section eleven, less any indebtedness to the company on account of said policy, and less the surrender charge provided herein will purchase as a net single premium for life or endowment insurance maturing or terminating at the time and in the manner provided in the original policy contract; and such default shall not change or affect the conditions or terms of the policy, except as regards the payment of premiums and the amount payable thereon. Said surrender charge shall be eight per cent. of the insurance value of the policy at the date of default, which insurance value is the present value of all the normal future yearly costs of insurance which by its terms said policy is exposed to pay in case of its continuance, computed upon the rate of mortality and interest assumed in section eleven. Every such policy, after the payment of two full annual premiums thereon, shall have a surrender value which shall be its net value, less the surrender charge, and less any indebtedness to the company on account of the said policy, and its holder may, upon any subsequent anniversary of its issue, surrender the same and claim and recover from the company such surrender value in cash: *provided*, that from the surrender value of all endowment policies the company may deduct five per cent. On policies of prudential or industrial insurance on which the weekly premiums are not more than fifty cents each the surrender value in all cases shall be payable in cash. Upon surrender, on any anniversary of its issue, of a policy which has become paid up after the payment of two full annual premiums, by force of the statute upon default in payment of premium, the holder shall be entitled to its net value, payable in cash: *provided*, that from the net value of all endowment policies the company

may deduct five per cent. But no surrender of a policy shall be made without the written assent of the person to whom the policy is made payable. Any condition or stipulation in the policy or elsewhere, contrary to the provisions of this section and any waiver of such provisions by the assured, shall be void.

FOREIGN INSURANCE COMPANIES.

SECTION 77. Foreign insurance companies upon complying with the conditions herein set forth applicable to such companies, may be admitted to transact in this Commonwealth by constituted agents resident therein any class of insurance authorized by the laws of the Commonwealth, subject to all general laws now or hereafter in force relative to the duties, obligations, prohibitions and penalties of insurance companies, and subject to all laws applicable to the transaction of such business by foreign insurance companies and their agents: *provided*, that no provision of law which by its terms applies specifically to domestic life insurance companies shall thereby become applicable to foreign life insurance companies.

Foreign companies may be admitted to do business by resident agents subject to laws. Agents. See §§ 91, 92. Foreign life companies. See § 67.

Conditions of Admission of Foreign Companies.

SECTION 78. No foreign insurance company shall be so admitted and authorized to do business until

Before admission such company must deposit copy of charter and statement of condition, and pay fees therefor. P. S. 119, §§ 196-202.

First, It shall deposit with the insurance commissioner a certified copy of its charter or deed of settlement and a statement of its financial condition and business, in such form and detail as he may require, signed and sworn to by its president and secretary or other proper officer, and shall pay for the filing of such copy the sum of thirty dollars and for the filing of such statement the sum of twenty dollars.

Second, It shall satisfy the insurance commissioner that it is fully and legally organized under the laws of its state or government to do the business it proposes to transact: that it has, if a stock company, a fully paid-up and unimpaired capital, exclusive of stockholders' obligations of any description, of an amount not less than is required of similar companies formed under the provisions of this act, and, if a mutual company, other than life, that it has net assets equal to the capital required of like companies on the stock plan: that such capital or net assets are well invested and immediately available for the

Satisfy the commissioner that it is legally organized with sufficient capital or funds.

payment of losses in this Commonwealth; and that it insures on any single hazard a sum no larger than one-tenth of its net assets.

Third, It shall by a duly executed instrument filed in his office constitute and appoint the insurance commissioner or his successor its true and lawful attorney upon whom all lawful processes in any action or legal proceeding against it may be served and therein shall agree that any lawful process against it which may be served upon its said attorney shall be of the same force and validity as if served on the company, and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this Commonwealth. Copies of such instrument certified by the commissioner shall be deemed sufficient evidence thereof and service upon such attorney shall be deemed sufficient service upon the principal.

Fourth, It shall appoint as its agent or agents in the Commonwealth some resident or residents thereof.

Fifth, It shall obtain from the insurance commissioner a certificate that it has complied with the laws of the Commonwealth and is authorized to make contracts of insurance.

SECTION 79. Such foreign company, if incorporated or associated under the laws of any government or state other than the United States or one of the United States, shall not be admitted until, besides complying with the conditions of section seventy-eight, it has made a deposit with the treasurer of the Commonwealth or with the financial officer of some other state of the United States of a sum not less than the capital required of like companies under this act. Such deposit must be in exclusive trust for the benefit and security of all the company's policy-holders and creditors in the United States, and may be made in the securities but subject to the limitations specified in section thirty-four of this act, and such deposit shall be deemed for all purposes of the insurance laws the capital of the company making it.

SECTION 80. No foreign insurance company hereafter admitted to do business in the Commonwealth shall be authorized to transact more than one class or kind of insurance therein.

SECTION 81. Any admitted company of a foreign country may appoint trustees who are citizens of the United States and approved by the insurance commis-

Appoint the commissioner its attorney to accept service of lawful process. See § 14.

Constitute an agent or agents in the Commonwealth. Obtain a certificate of authority to do business.

Company of a foreign country must also make deposit, which shall be deemed its capital. P. S. 119, § 218.

Shall transact but one class of insurance. P. S. 119, § 201.

Funds held by trustees of company of foreign country, together with its

sioner to hold funds in trust for the benefit of its policy-holders and creditors in the United States. Said trustees shall be named by the directors of the company and a certified copy of the record of the appointment of such trustees and of the deed of trust shall be filed in the office of the insurance commissioner who may examine such trustees and the assets in trust and all books and papers relating thereto in the same manner that he may examine the officers, agents, assets, and affairs of insurance companies. The funds so held by such trustees, so far as the same are in securities, money or credits admissible as sound assets in the financial accounts of insurance companies, shall, together with its deposits made in accordance with section seventy-nine, constitute the assets of such company as regards its policy-holders and creditors in the United States.

deposits, to constitute its assets.

P. S. 119, §§ 219, 220.

Appointment of trustees; commissioner may examine assets.

SECTION 82. The authority of a foreign insurance company may be revoked if it shall violate or neglect to comply with any provision of law obligatory upon it, and whenever in the opinion of the insurance commissioner its condition is unsound, and whenever its assets above its liabilities, exclusive of capital and inclusive of unearned premiums estimated as provided in section eleven, are less than the amount of its original capital or required unimpaired funds.

Authority to do business may be revoked for violation of law, etc.

See § 7.

Fire Insurance by Unauthorized Companies.

SECTION 83. The insurance commissioner, upon the annual payment of a fee of twenty dollars, may issue licenses to citizens of this Commonwealth, subject to revocation at any time, permitting the person named therein to procure policies of fire insurance on property in this Commonwealth in foreign insurance companies not authorized to transact business in this Commonwealth. Before the person named in such a license shall procure any insurance in such companies on any property in this Commonwealth he shall in every case execute and file with the insurance commissioner an affidavit that he is unable to procure, in companies admitted to do business in the Commonwealth, the amount of insurance necessary to protect said property, and shall only procure insurance under such license after he has procured insurance in companies admitted to do business in this Commonwealth to the full amount which said companies are willing to

Conditions under which unauthorized companies may lawfully insure property.

1885, c. 300.

Penalty.

See § 99.

Duties of licensee.

write on said property. Each person so licensed shall keep a separate account of the business done under the license, a certified copy of which account he shall forthwith file with the insurance commissioner, showing the exact amount of such insurance placed for any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date of the policies and the term thereof, and also a report in the same detail of all such policies cancelled, and the gross return premiums thereon, and before receiving such license shall execute and deliver to the treasurer and receiver-general of the Commonwealth a bond in the penal sum of two thousand dollars, with such sureties as the treasurer and receiver-general shall approve, with a condition that the licensee will faithfully comply with all the requirements of this section, and will file with the treasurer and receiver-general, in January of each year, a sworn statement of the gross premiums charged for insurance procured or placed and the gross returned premiums on such insurance cancelled under such license during the year ending on the thirty-first day of December next preceding, and at the time of filing such statement will pay into the treasury of the Commonwealth a sum equal to four per cent. of such gross premiums, less such returned premiums so reported.

Miscellaneous Provisions.

Foreign companies to do business by agents in the state.

Policies not to be invalidated by war.
P. S. 119, § 218.

Not to reinsure in unauthorized companies.
See §§ 20, 102.

SECTION 84. Foreign companies admitted to do business in the Commonwealth shall make contracts of insurance upon lives or property therein only by lawfully constituted and licensed resident agents. No policy of insurance issued to a citizen of the Commonwealth by an authorized company organized under the laws of a foreign country shall be invalidated by the occurrence of hostilities between such foreign country and the United States. And no company of another state or government shall directly or indirectly contract for or effect reinsurance of any risk in Massachusetts with any company not authorized to do business therein.

Reciprocal Obligations.

Same conditions imposed upon companies of other states as such states im-

SECTION 85. When by the laws of any other state any taxes, fines, penalties, licenses, fees, deposits, or other obligations or prohibitions, additional to or in excess of

those imposed by the laws of this Commonwealth upon foreign insurance companies and their agents, are imposed on insurance companies of this Commonwealth and their agents doing business in such state, the same taxes, fines, etc., shall be imposed upon all insurance companies of such state and their agents doing business in this Commonwealth so long as such laws remain in force.

pose on domestic companies.
P. S. 119, § 215.
See § 111.

LLOYDS' ASSOCIATIONS.

SECTION 86. Associations of individuals, citizens of the United States, whether organized within the Commonwealth or elsewhere within the United States, formed upon the plan known as Lloyds — whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy — may be authorized to transact insurance other than life in this Commonwealth in like manner and upon the same terms and conditions as are required of and imposed upon insurance companies of other of the United States.

How qualified for admission.
P. S. 119, § 175.

AGENTS AND BROKERS.

SECTION 87. Any person not a duly licensed insurance broker, who solicits insurance on behalf of any insurance company, or transmits for a person other than himself an application for or a policy of insurance to or from such company, or offers or assumes to act in the negotiation of such insurance, shall be deemed an insurance agent within the intent of these statutes, and shall thereby become liable to all the duties, requisitions, liabilities and penalties to which an agent of such company is subject.

Who deemed to be agents.
P. S. 119, §§ 182, 184.

SECTION 88. Any officer of, or person appointed as its agent for that purpose by, a domestic insurance company, or acting without compensation, may, without other qualification, act in the negotiation and transaction with such company of any insurance which such company may lawfully do.

Agents of domestic companies.

SECTION 89. An insurance agent shall be personally liable on all contracts of insurance unlawfully made by or through him, directly or indirectly, for or in behalf of any company not authorized to do business in the Commonwealth.

Liability of agents on contracts unlawfully made.
P. S. 119, § 210.

SECTION 90. An insurance agent or broker who acts for a person other than himself in negotiating a contract of insurance by an insurance company shall for the pur-

Company bound by payment of premium to agent or broker.
P. S. 119, § 194.

Penalty on agent for fraudulent representations. P. S. 119, § 185.

pose of receiving the premium therefor be held to be the company's agent, whatever conditions or stipulations may be contained in the policy or contract; and such agent or broker knowingly procuring by fraudulent representations payment or an obligation for the payment of a premium of insurance shall be punished by fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not more than one year.

Agents of Foreign Companies.

Agents of foreign companies not to act without license. P. S. 119, § 209. Penalty. See § 98.

SECTION 91. No officer or agent of a foreign insurance company shall make or procure to be made, or act or aid in any manner in the negotiation of, any insurance with such company until he shall procure from the insurance commissioner a certificate of authority so to do which shall state in substance that the company is authorized to do business in the Commonwealth, and that the person named therein is the constituted agent of the company for the transaction of such business. Upon written notice by such company of its appointment of a suitable person to act as its agent within the Commonwealth, and the payment of a fee of two dollars, the insurance commissioner shall, if the facts warrant it, grant such certificate. Such certificate shall continue in force until the first day of April next after its issue, and, by renewal thereof on the annual payment for such renewal of a fee of two dollars before the first day of April of each year, until revoked by the commissioner for non-compliance with the laws, or until the appointment of the agent is revoked by written notice from the company to that effect filed with the insurance commissioner. While such certificate remains in force the company shall be bound by the acts of the person named therein within his apparent authority as its acknowledged agent.

Appointment and certificate of agent.

Company bound by acts of its agent.

Agent to exhibit on sign, cards, etc., the state or country, etc., of the company he acts for. P. S. 119, § 205.

SECTION 92. Every person acting for a foreign insurance company shall exhibit in conspicuous letters, on the sign designating his place of business, the name of the state or country under whose authority the company he represents has been incorporated or formed. And said company and agent shall also have printed in large type the name of such state or country and the kind of office, whether chartered or formed as a mutual or stock company, upon all policies issued to citizens of this Commonwealth, on all cards, placards, and pamphlets, and in all advertisements

published, issued or circulated in this Commonwealth by them or him, relating to the business of such company.

Insurance Brokers.

SECTION 93. Whoever for compensation acts or aids in any manner in negotiating contracts of insurance or reinsurance or placing risks or effecting insurance or reinsurance for a person other than himself, and not being the appointed agent or officer of the company in which such insurance or reinsurance is effected, shall be deemed an insurance broker and no person shall act as such broker save as provided in this section. The insurance commissioner may upon the payment of a fee of ten dollars issue to any person a certificate of authority to act as an insurance broker to negotiate contracts of insurance or reinsurance or place risks or effect insurance or reinsurance with any qualified domestic insurance company or its agents and with the authorized agents in the Commonwealth of any foreign insurance company duly admitted to do business in the Commonwealth. Such certificate shall remain in force for one year unless revoked by the commissioner for cause. Such cause shall exist upon conviction of the holder of such certificate of a violation of the insurance laws, and whenever it shall appear to the commissioner upon due proof after notice that the holder has unreasonably failed and neglected to pay over to the company or agent entitled thereto any premium or part thereof collected by him on any policy of insurance. The commissioner shall publish such revocation in such manner as he deems for the protection of the public.

Insurance broker.
Not to act without license.
Penalty.
P. S. 119, §§ 186, 187.
See § 98.

Commissioner may license broker.
Fee for certificate.

Revocation of license, if holder violates the law, or neglects to pay over premiums.

DEPOSITS WITH THE STATE TREASURER.

SECTION 94. The treasurer of the Commonwealth in his official capacity shall take and hold in trust deposits made by any domestic insurance company for the purpose of complying with the laws of any other state to enable such company to do business in such state: and shall also in like manner take and hold any deposit made by a foreign insurance company under any law of the Commonwealth. The company making such deposit shall be entitled to the income thereof, and may from time to time with the consent of the treasurer, when not forbidden by the law under which the deposit is made, change in whole or part the securities which compose the

Treasurer to hold deposits of insurance companies.
P. S. 119, §§ 156, 215, 218.
1883, c. 107.
1884, c. 119.

Companies entitled to income of deposits and may exchange securities.

Return of deposits by treasurer.

deposit for other competent securities of equal par value. Upon request of any domestic insurance company the said treasurer may return to such company the whole or any portion of the securities of such company held by him on deposit when he shall be satisfied that the securities so asked to be returned are subject to no liability and not required to be longer held by any provision of law or purpose of the original deposit. And he may return to the trustees or other representative authorized for that purpose of a foreign insurance company, any deposit made by such company when it shall appear that such company has ceased to do business in the Commonwealth and is under no obligation to policy-holders or other persons in the Commonwealth or in the United States for whose benefit such deposit was made. An insurance company which has made such deposit, or its trustees or resident manager in the United States, or the insurance commissioner, or any creditor of such company may at any time bring in the supreme judicial court for the county of Suffolk a suit in equity against the Commonwealth and other parties properly joined therein, to enforce, administer or terminate the trust created by such deposit. The process in such suit shall be served on the treasurer of the Commonwealth, who shall appear and answer in its behalf and perform such orders and decrees as the court may make thereupon.

Trust in deposit may be enforced in equity suit.

Treasurer to answer for Commonwealth and perform decrees of court.

RECEIVERS OF INSURANCE COMPANIES.

Compensation. Accounts.
P. S. 119, §§ 168-172.
1883, c. 258.

SECTION 95. The compensation of receivers of insolvent insurance companies shall be fixed by the supreme judicial court. All accounts rendered to the court by such receivers shall be referred to the insurance commissioner for his examination and report thereon. Such receivers, at the expiration of one year from final settlement ordered by the court, or, if they then have in their hands for distribution or deposit moneys or dividends uncalled for, when the same shall be paid into the treasury of the Commonwealth as provided in chapter two hundred and fifty-eight of the acts of the year eighteen hundred and eighty-three, and their final account allowed by the court, shall deposit with the insurance commissioner together with all papers and records relating to their receiverships, all books and papers of such insolvent companies.

Deposit of books with commissioner.

ANNUAL STATEMENTS.

SECTION 96. Every insurance company shall annually on or before the fifteenth day of January, file in the office of the insurance commissioner a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year and its business of that year. For good cause shown the commissioner may extend the time within which any such statement may be filed, but not to a date later than the fifteenth day of February. Every such annual statement shall be in the form, and of the specifications the insurance commissioner may require, who shall embody therein, so far as appropriate to the several companies, the substance of the appended forms, together with any additional inquiries he may consider fit to elicit a complete and accurate exhibit of the condition and transactions of the companies. The assets and liabilities shall be computed and allowed in such statement in accordance with the rules stated in section eleven. Such statement shall be subscribed and sworn to by the president and secretary, or, in their absence, by two of its principal officers. The annual statement of a company of a foreign country shall embrace only its business and condition in the United States, and shall be subscribed and sworn to by its resident manager or principal representative in charge of its American business. For filing each annual statement, each foreign company shall pay to the Commonwealth the sum of twenty dollars. The transaction of any new business by any company or its agents after neglect to file a statement in the manner herein provided shall be unlawful.

All companies to make annual statements.
P. S. 119, §§ 226-230.
1884, c. 217.
Penalty.
See § 101.

Form of statement.
How verified.
Penalty for neglect and false statement.
See § 101.

By companies of foreign countries.

Fee for filing.

New business after default, unlawful.

PENALTIES, FORFEITURES, ETC.

SECTION 97. The person, if other than the insurance commissioner or his deputy, upon whose complaint a conviction is had for violation of the law prohibiting insurance in or by foreign companies not authorized to do business in the Commonwealth shall be entitled to one-half of the fine recovered upon sentence therefor.

Complainant in certain cases entitled to one-half of fine.
P. S. 119, § 182.

SECTION 98. Any person who shall assume to act as an insurance agent or insurance broker, without license therefor as herein provided, or who shall act in any manner in the negotiation or transaction of unlawful insurance with a foreign insurance company not admitted to do business in this Commonwealth, or who as principal or

Negotiation of unlawful contracts.
Agents and brokers.
See §§ 3, 91.

agent shall violate any provision of this act in regard to the negotiation or effecting of contracts of insurance, shall be punished by fine of not less than one hundred nor more than five hundred dollars for each offence.

Unlawful acts
of licensed per-
sons.
See § 83.

SECTION 99. Any person licensed under the provisions of section eighty-three who shall procure or act in any manner in the procurement or negotiation of insurance in any unauthorized foreign company and shall neglect to make and file the affidavit and statements as such section provides, or shall wilfully make a false affidavit or statement, shall forfeit his license and be punished by a fine of five hundred dollars or by imprisonment for not more than one year, or by both.

Illegal adver-
tisements.
See § 18.

SECTION 100. Any company or any agent thereof issuing or circulating advertisements in violation of section eighteen shall be punished by fine of not less than fifty nor more than five hundred dollars.

Neglect to make
returns.

SECTION 101. Any company that neglects to make and file its annual statement in the form and within the time provided by section ninety-six shall forfeit one hundred dollars for each day's neglect, and upon notice by the insurance commissioner to that effect its authority to do new business shall cease while such default continues. For wilfully making a false annual or other statement it is required by law to make an insurance company and the persons making oath to or subscribing the same shall severally be punished by fine of not less than five hundred nor more than five thousand dollars. Any person making oath to such false statement shall be deemed guilty of the crime of perjury.

False returns.
See §§ 19, 96.

Reinsurance in
unauthorized
companies.
See § 20.

SECTION 102. For making any reinsurance in violation of section twenty an insurance company and the agent effecting or acting in the negotiation of such reinsurance shall severally be punished by fine of five hundred dollars.

Over-insurance.
See §§ 20, 56.

SECTION 103. Any insurance company that shall insure upon a single risk a larger amount than the law permits, shall be punished by fine of five hundred dollars, and any fire insurance company shall forfeit fifty dollars for each policy it shall issue in violation of section fifty-six.

Issue of life
policy after
notice of impair-
ment.
See § 66.

SECTION 104. Any officer or agent of a life insurance company who shall issue a new policy, after notice by the commissioner, in violation of section sixty-six shall for

each offence forfeit a sum not exceeding one thousand dollars.

SECTION 105. Any insurance company or agent who shall make, issue or deliver a policy of fire insurance in wilful violation of section sixty shall forfeit for each offence not less than fifty nor more than two hundred dollars; but such policy shall nevertheless be binding upon the company issuing the same.

Issue of fire policy other than standard form.
See § 60.

SECTION 106. Any director or other officer of a mutual fire insurance company who either officially or privately gives a guarantee to a policy-holder thereof against an assessment to which such policy-holder would otherwise be liable shall be punished by fine not exceeding one hundred dollars for each offence.

Unlawful guaranty to policy-holder.
See § 50.

SECTION 107. Any paid officer or agent of a domestic mutual insurance company who shall ask for, receive, procure to be obtained or use a proxy vote in violation of section forty or section seventy-four shall be punished for each offence by a fine of not less than one hundred nor more than three hundred dollars.

Proxy vote by officer or agent.
See §§ 40, 74.

SECTION 108. Whoever without justifiable cause, neglects upon due summons to appear and testify before the commissioner as provided in section six, and whoever obstructs the commissioner, his deputy or examiner in his examination of an insurance company, shall be punished by fine of not more than one thousand dollars or by imprisonment for not more than one year.

Obstruction of commissioner in examinations.
Witness in default.
See § 6.

SECTION 109. Any life company or officer or agent thereof violating any of the provisions of section sixty-nine shall be punished by fine of not more than one hundred dollars for each offence.

Color discrimination.
See § 69.

SECTION 110. For violation of any provision of this act the penalty whereof is not specifically provided for herein, the offender shall be punished by fine of not more than five hundred dollars.

Other violations.

SECTION 111. Compliance with the provisions of section eighty-five as to deposits, obligations and prohibitions, and the payment of taxes, fines, fees and penalties by and upon foreign insurance companies may be enforced in the ordinary course of equity procedure by information brought in the supreme judicial court by the attorney-general at the relation of the insurance commissioner.

Enforcement of reciprocal obligations.

REPEAL OF STATUTES.

Repeal.

SECTION 112. Chapter one hundred and nineteen of the Public Statutes, chapters thirty-three, one hundred and seven, one hundred and twenty-six, two hundred and thirty-five, and so much of chapter two hundred and fifty-eight as is inconsistent herewith, of the acts of the year eighteen hundred and eighty-three, chapters fifty-five, fifty-eight, seventy-four, one hundred and nineteen, one hundred and twenty, one hundred and seventy-seven, one hundred and seventy-eight, two hundred and seventeen, two hundred and thirty-five, and two hundred and ninety-six of the acts of the year eighteen hundred and eighty-four, chapters two hundred and forty-one, three hundred, three hundred and eight, and three hundred and fifty-four of the acts of the year eighteen hundred and eighty-five, and chapters one hundred and eighty-seven and two hundred and twenty-two of the acts of the year eighteen hundred and eighty-six, are hereby repealed. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty or punish any offence under the authority of the repealed laws; and any person who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof, unless such office is abolished or a different provision is herein made.

Act, construction, etc.

FORMS.

A. — *Form of Return for Stock Insurance Companies, Except Life.*

Form of return.

(1.) State the name of the company. (2.) Where located. (3.) When incorporated and for what period. (4.) Amount of capital. (5.) Amount of capital actually paid in. (6.) Cash value of real estate owned. (7.) Amount loaned on mortgage of real estate. (8.) Amount and description of each kind of bonds and stocks owned with par and market value. (9.) Amount loaned on collateral; par and market value of each security pledged. (10.) Amount of cash on hand. (11.) Amount of gross premiums in course of collection. (12.) Amount of bills receivable, not matured, taken for premiums. (13.) Amount of all other property or investments. (14.) All

outstanding losses. (15.) Amount of unearned premiums on policies in force. (16.) All other liabilities and claims against the company. (17.) Amount of cash received for premiums. (18.) Amount of notes received for premiums. (19.) Amount received for interest and rents. (20.) Amount of income received from all other sources. (21.) Amount paid for losses. (22.) Amount paid for dividends. (23.) Amount paid for expenses. (24.) All other expenditures. (25.) State amount of risks written, terminated and in force, with gross premiums thereon.

Form of re-
turns.

B.—Form of Return of Mutual Companies, Except Life.

(1.) State the name of the company. (2.) Where located. (3.) When incorporated and for what period. (4.) Amount of guarantee fund, if any. (5.) Cash value of real estate owned. (6.) Amount loaned on mortgages of real estate. (7.) Amount and description of each kind of stocks and bonds owned, with par and market value. (8.) Loans on collateral, with par and market value of each security pledged. (9.) Cash in office and in bank. (10.) Gross premiums in course of collection. (11.) All other loans, investments and property. (12.) Premium notes liable to assessment. (13.) Amount of scrip outstanding. (14.) All outstanding losses. (15.) Unearned premiums. (16.) Dividends declared and unpaid. (17.) Borrowed money. (18.) All other liabilities and claims against the company. (19.) Cash received for premiums. (20.) Cash received for interest and rent. (21.) Premium notes received. (22.) Income from all other sources. (23.) Paid for losses. (24.) Paid for expenses. (25.) Surplus returned to policy-holders. (26.) All other expenditures. (27.) Scrip dividends declared. (28.) State amount of risks, written, terminated, and in force, with gross premiums thereon.

C.—Form of Return of Life Insurance Companies.

(1.) The name of the company. (2.) Where located. (3.) When incorporated and for what period. (4.) Amount of capital stock or guarantee fund. (5.) Cash value of real estate owned. (6.) Amount loaned on mortgages of real estate. (7.) Amount and description of each kind of bonds and stocks owned, with par and market value. (8.) Loans on collateral, with par and market value of each security pledged. (9.) Cash in office and in bank. (10.) Premium notes and loans on policies in force. (11.) Outstanding and deferred premiums on policies in force. (12.) All other loans, investments and property. (13.) All outstanding losses and policy claims. (14.) Dividends of surplus due policy-holders. (15.) Forfeitures and surplus accrued, held for and to be divided to any special class of policy-holders; surplus accrued on policies in force,

not yet due to be distributed. (16.) All other liabilities and claims against the company. (17.) Cash received for premiums. (18.) Cash received for interest and rents. (19.) Income from all other sources. (20.) Paid for losses and claims. (21.) Dividends of surplus to policy-holders. (22.) Paid for expenses. (23.) All other expenditures. (24.) Number, date, amount and kind of each outstanding policy not heretofore returned, gross premium thereon and age of the insured. (25.) Number, date, and amount of each policy which has within the year ceased to be in force, how terminated, what has been paid to the legal holder of the policy, and age of the insured.

Approved April 21, 1887.

Chap. 215 AN ACT TO SECURE UNIFORM AND PROPER MEAL TIMES FOR CHILDREN, YOUNG PERSONS AND WOMEN EMPLOYED IN FACTORIES AND WORKSHOPS.

Be it enacted, etc., as follows :

Meal times for children, young persons and women in factories.

SECTION 1. All children, young persons and women, five or more in number, employed in the same factory shall be allowed their meal time or meal times at the same time: *provided, however,* that any children, young persons or women who begin work in such factory at a later hour in the morning than the other children, young persons and women employed therein may be allowed their meal time or meal times at a different time, but no such children, young persons or women shall be employed during the regular meal hour in tending the machines, or doing the work of any other children, young persons or women in addition to their own.

Not to be employed more than six hours without an interval of half an hour.

SECTION 2. No child, young person or woman shall be employed in a factory or workshop, in which five or more children, young persons and women are employed, for more than six hours at one time without an interval of at least half an hour for a meal: *provided, however,* that a child, young person or woman may be so employed for not more than six and one-half hours at one time if such employment ends at an hour not later than one o'clock in the afternoon, and if such child, young person or woman is then dismissed from the factory or workshop for the remainder of the day, or for not more than seven and one-half hours at one time if such child, young person or woman is allowed sufficient opportunity for eating a lunch during the continuance of such employment, and if such employment ends at an hour not later than two o'clock in the afternoon and such child, young person or

woman is then dismissed from the factory or workshop for the remainder of the day.

SECTION 3. This act shall not apply to iron works, glass works, paper mills, letter-press printing establishments, print works, bleaching works or dyeing works; and the chief of the district police, where it is proved to his satisfaction that in any other class of factories or workshops it is necessary, by reason of the continuous nature of the process, or of special circumstances affecting such class, to exempt such class from the provisions of this act, and that such exemption can be made without injury to the health of the children, young persons and women affected thereby, may, with the approval of the governor of the Commonwealth, issue a certificate granting such exemption, public notice whereof shall be given in the manner directed by said chief, without expense to the Commonwealth.

Not to apply to certain works.

SECTION 4. The following expressions used in this act shall have the following meanings: The expression "iron works" means any mill, forge or other premises in or on which any process is carried on for converting iron into malleable iron, steel or tin plate, or for otherwise making or converting steel. The expression "glass works" means any premises in which the manufacture of glass is carried on. The expression "paper mills" means any premises in which the manufacture of paper is carried on. The expression "letter-press printing establishments" means any premises in which the process of letter-press printing is carried on. The expression "print works" means any premises in which is carried on the process of printing figures, patterns or designs upon any cotton, linen, woollen, worsted or silken yarn or cloth, or upon any woven or felted fabric not being paper. The expression "bleaching works" means any premises in which the process of bleaching any yarn or cloth of any material is carried on. The expression "dyeing works" means any premises in which the process of dyeing any yarn or cloth of any material is carried on.

Certain expressions defined.

SECTION 5. Whoever, either for himself or as superintendent, overseer or other agent of another, violates any of the provisions of this act shall be punished by fine of not less than fifty nor more than one hundred dollars: *provided, however,* that in case any factory or workshop or any apartment therein is kept open during the noon

Penalty on agents, etc.

hour and any employee violates the provisions of this act, contrary to the written or printed rules of said factory or workshop, then the employer or his superintendent, overseer or other agent shall not be held responsible for said violation.

Approved April 21, 1887.

Chap. 216

AN ACT RELATING TO CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Limitation of capital shares.

SECTION 1. The limitation of capital to be accumulated in any co-operative bank now organized or hereafter formed under the provisions of chapter one hundred and seventeen of the Public Statutes shall be held to apply to capital actually paid in, and no such bank shall be restrained from issuing shares so long as the capital actually paid in on shares is not in excess of one million dollars.

Unpledged shares may be withdrawn upon giving thirty days' notice.

Settlement of shareholder's account.

SECTION 2. A member may withdraw his unpledged shares at any time by giving thirty days' notice of his intention so to do, written in a book held and provided by the corporation for that purpose. Upon such withdrawal the shareholder's account shall be settled as follows:— From the amount then standing to the credit of the shares to be withdrawn there shall be deducted all fines, a proportionate part of any unadjusted loss, together with such proportion of the profits previously credited to the shares as the by-laws may provide, and such shareholders shall be paid the balance: *provided*, that at no time shall more than one-half of the funds in the treasury be applicable to the demands of withdrawing members without the consent of the directors. The directors may at their discretion, under rules made by them, retire the unpledged shares of any series at any time after four years from the date of their issue, by enforcing the withdrawal of the same; but whenever there shall remain in any series, at the expiration of five years after the date of its issue, an excess above one hundred unpledged shares, then it shall be the duty of the directors to retire annually twenty-five per centum of such excess existing at said expiration of five years after the date of its issue, so that not more than one hundred unpledged shares shall remain in such series at the expiration of nine years from the date of its issue, and thereafter the directors may in their discretion retire such other unpledged shares as they consider the best interests of the bank to require: *provided*, that whenever under the provisions of this section the withdrawal of

Directors may retire unpledged shares.

Provisos.

shares is to be enforced the shares to be retired shall be determined by lot, and the holders thereof shall be paid the full value of their shares, less all fines and a proportionate part of any unadjusted loss; and *provided, also*, that shares pledged for share loans shall be treated as unpledged shares.

SECTION 3. Shares may be issued in the name of a minor, and if so issued may, at the discretion of the directors, be withdrawn, in manner as provided in section two of this act, by such minor, the parent or guardian of such minor, and in either case payments made on such withdrawals of shares shall be valid. When a share or shares are held by any one in trust for another, the name and residence of the person for whom such share or shares are held shall be disclosed; and the account shall be kept in the name of such holder as trustee for such person; and, if no other notice of the existence and terms of such trust has been given in writing to the corporation, in the event of the death of the trustee, such shares may be withdrawn by the person for whom such deposit was made or by his legal representatives.

Shares may be issued in the name of a minor.

Shares held in trust.

SECTION 4. Partial payments of loans on real estate made by any co-operative bank may be received in sums of fifty dollars or any multiple thereof; and for each two hundred dollars so repaid one share of stock shall be released from pledge.

Partial payment of loans on real estate.

SECTION 5. Section nine of chapter one hundred and seventeen of the Public Statutes is hereby amended by inserting after the word "directors," in the eighth line, the following:—*provided, further*, that when any series of shares, either pledged or unpledged, reaches maturity between the dates of adjustment of profits, or whenever shares are retired between such dates, the holders of such shares shall, in addition to the value thereof, be entitled to interest at the rate of six per cent. per annum for all full months from the date of the preceding adjustment.

Amendment to P. S. 117, § 9.

SECTION 6. Section eight of chapter one hundred and seventeen of the Public Statutes, as amended by chapter two hundred and fifty-one of the acts of the year eighteen hundred and eighty-two, is hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved April 21, 1887.

Chap. 217 AN ACT RELATING TO THE EXPENSE OF RECORDING PROBATE PROCEEDINGS IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Annual expense of recording, etc., in Suffolk, not to exceed \$2,800.

SECTION 1. The expense of recording probate proceedings in the county of Suffolk, regulated by section forty-four of chapter one hundred and fifty-six of the Public Statutes, shall not exceed twenty-eight hundred dollars in any one year. So much of said section forty-four as is inconsistent with this act is hereby repealed.

Repeal.

SECTION 2. Chapter one hundred and eighteen of the acts of the year eighteen hundred and eighty-four is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1887.

Chap. 218 AN ACT TO AMEND SECTION TEN OF CHAPTER ONE HUNDRED AND THREE OF THE PUBLIC STATUTES RELATING TO THE DUTIES AND POWERS OF INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

Be it enacted, etc., as follows:

Amendment to P. S. 103, § 10.

Duties of inspectors.

SECTION 1. Section ten of chapter one hundred and three of the Public Statutes is hereby amended so as to read as follows:—*Section 10.* Such inspectors shall enforce the provisions of sections thirteen to twenty-two, inclusive, of chapter one hundred and four, except as therein specified, and the various provisions of law relating to the employment of women and minors in manufacturing, mechanical or mercantile establishments, and the employment of children, young persons or women in factories or workshops, and the ventilation of factories or workshops, and the securing of proper sanitary provisions in factories or workshops; and for this purpose said inspectors may enter all buildings used for public or manufacturing purposes, or for factories or workshops, examine the methods of protection from accident, the means of escape from fire, the sanitary provisions and the means of ventilation, and may make investigations as to the employment of children, young persons and women.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1887.

AN ACT TO AMEND SECTION TWENTY-THREE OF CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC STATUTES RELATING TO THE AUTHORITY OF INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

Chap. 219

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter one hundred and four of the Public Statutes is hereby amended so as to read as follows: — *Section 23.* The authority of said inspectors to enforce the provisions of sections thirteen to twenty-two inclusive shall not extend to the city of Boston.

Amendment to P. S. 104, § 23.

Authority of inspectors.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1887.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 220

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit: —

Appropriations.

For the payment of sewer assessments on the property of the Commonwealth, to the city of Worcester, the sum of two thousand one hundred and ninety-five dollars and thirty-five cents, as authorized by chapter seventeen of the resolves of the present year.

Sewer assessments in Worcester.

For the town of Blackstone, the sum of two hundred and sixty-six dollars and seventy-five cents, as authorized by chapter nineteen of the resolves of the present year.

Town of Blackstone.

For providing additional protective apparatus in connection with the engine and boiler rooms at the state house, a sum not exceeding thirteen hundred dollars, as authorized by chapter twenty of the resolves of the present year.

Protective apparatus at State House.

For the Massachusetts school for the feeble-minded, the sum of five thousand dollars, as authorized by chapter twenty-one of the resolves of the present year.

School for the feeble-minded.

For providing for certain repairs at the state normal school at Westfield, a sum not exceeding twenty-seven

Repairs at normal school at Westfield.

hundred dollars, as authorized by chapter twenty-three of the resolves of the present year.

Lawrence N. Duchesney.

For Lawrence N. Duchesney of Lawrence, the sum of three hundred dollars, as authorized by chapter twenty-four of the resolves of the present year.

State lunatic hospital at Taunton.

For providing for a new barn, for the purchase of cows, and a steam fire pump, at the state lunatic hospital at Taunton, a sum not exceeding seven thousand dollars, as authorized by chapter twenty-five of the resolves of the present year.

Lyman school for boys, Willow Park estate.

For the purchase of the Willow Park estate in the town of Westborough, as an addition to the Lyman school for boys, a sum not exceeding three thousand dollars; and for necessary repairs to the buildings on said estate, a sum not exceeding four thousand dollars, as authorized by chapter twenty-six of the resolves of the present year.

Town of Ware.

For the town of Ware, the sum of one hundred and twenty-three dollars and fifty cents, as authorized by chapter twenty-seven of the resolves of the present year.

Purity of water supplies, disposal of sewage, etc.

For providing for investigations into the best methods of assuring the purity of water supplies, disposal of sewage, and for other purposes under the direction of the state board of health, a sum not exceeding thirty thousand dollars, as authorized by chapter thirty of the resolves of the present year.

Sarah Maria Cisco.

For Sarah Maria Cisco, of the Hassanamisco tribe of Indians, two hundred dollars, as authorized by chapter thirty-four of the resolves of the present year.

New Hampshire boundary line.

For expenses in connection with the establishment of the boundary line between Massachusetts and New Hampshire, a sum not exceeding five thousand dollars, as authorized by chapter thirty-five of the resolves of the present year.

Westborough insane hospital.

For the payment of current expenses at the Westborough insane hospital at Westborough, for the year eighteen hundred and eighty-seven, a sum not exceeding thirty thousand dollars, as authorized by chapter thirty-six of the resolves of the present year.

Doorkeepers.

For the salaries of the doorkeepers of the senate and house of representatives, twenty-eight hundred dollars, as authorized by chapter one hundred and sixteen of the acts of the present year.

Assistant doorkeepers and messengers.

For compensation of assistant doorkeepers, postmaster, messengers and pages to the senate and house of repre-

sentatives, a sum not exceeding eleven thousand nine hundred dollars, as authorized by chapter one hundred and sixteen of the acts of the present year, being in addition to the ten thousand dollars appropriated by chapter two of the acts of the present year for the compensation of doorkeepers, messengers and pages.

For the compensation of such messengers as it may be necessary to employ during the recess of the legislature, a sum not exceeding fifteen hundred dollars; but the amount paid each person employed shall not exceed three dollars per diem for each day's actual services.

Messengers
during recess of
legislature.

For furnishing cities and towns with copies of the index-digest to the reports of the cases decided by the supreme judicial court, a sum not exceeding seventeen hundred and fifty dollars, as authorized by chapter one hundred and eighteen of the acts of the present year.

Index-digest.

For the Massachusetts school for the feeble-minded, the sum of five thousand dollars, as authorized by chapter one hundred and twenty-three of the acts of the present year, being in addition to the twenty thousand dollars appropriated by chapter six of the acts of the present year.

School for the
feeble-minded.

For the salary of the chief of the state district police force, the sum of two hundred and twenty-eight dollars and twenty-three cents, as authorized by chapter one hundred and twenty-seven of the acts of the present year, being in addition to the seventeen hundred dollars appropriated by chapter thirteen of the acts of the present year.

Chief of state
district police.

For the compensation of members of the state district police force, the sum of four thousand three hundred and thirty-six dollars and thirty-seven cents, as authorized by chapter one hundred and twenty-seven of the acts of the present year, being in addition to the twenty-two thousand eight hundred dollars appropriated by chapter thirteen of the acts of the present year.

Members of
state district
police.

For the salary of the sergeant-at-arms' clerk, the sum of seven hundred dollars, as authorized by chapter one hundred and twenty-eight of the acts of the present year, being in addition to the eleven hundred dollars appropriated for one of the sergeant-at-arms' messengers by chapter one of the acts of the present year, which eleven hundred dollars is hereby made applicable for the payment of the salary of the clerk as aforesaid.

Sergeant-at-
arms' clerk.

Engineer.

For the salary of the engineer at the state house, the sum of one hundred dollars, as authorized by chapter one hundred and twenty-eight of the acts of the present year, being in addition to the fourteen hundred dollars appropriated by chapter one of the acts of the present year.

Watchman.

For the salary of the watchmen at the state house, the sum of twelve hundred dollars, as authorized by chapter one hundred and twenty-eight of the acts of the present year, being in addition to the eight hundred dollars appropriated by chapter one of the acts of the present year.

Fire marshal of Boston.

For the salary and expenses of the fire marshal of the city of Boston, the sum of one thousand five hundred and thirteen dollars and twenty-two cents, which amount is payable to the treasurer of the city of Boston, as provided for in section six, chapter three hundred and fifty-four of the acts of the year eighteen hundred and eighty-six.

Bureau of statistics of labor.

For extra compensation to certain officers of the bureau of statistics of labor, the sum of thirteen hundred dollars, as authorized by chapter one hundred and fifty-three of the acts of the present year.

District attorney for Suffolk.

For the salary of the district attorney for the Suffolk district, the sum of three hundred and sixty-one dollars and twelve cents, as authorized by chapter one hundred and sixty of the acts of the present year, being in addition to the forty-five hundred dollars appropriated by chapter four of the acts of the present year.

First assistant district attorney for Suffolk.

For the salary of the first assistant district attorney for the Suffolk district, the sum of two hundred and sixteen dollars and sixty-seven cents, as authorized by chapter one hundred and sixty of the acts of the present year, being in addition to the twenty-five hundred dollars appropriated by chapter four of the acts of the present year.

Clerk of the district attorney for Suffolk.

For the salary of the clerk of the district attorney for the Suffolk district, the sum of one hundred and forty-four dollars and forty-five cents, as authorized by chapter one hundred and sixty of the acts of the present year, being in addition to the one thousand dollars appropriated by chapter four of the acts of the present year.

Judge of probate, etc., for Barnstable.

For the salary of the judge of probate and insolvency for the county of Barnstable, the sum of one hundred and forty-three dollars and thirty-three cents, as authorized by chapter one hundred and sixty-six of the acts of the present year, being in addition to the one thousand

dollars appropriated by chapter four of the acts of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE MESSENGER TO THE GOVERNOR AND COUNCIL. *Chap.221*

Be it enacted, etc., as follows :

SECTION 1. The annual salary of the messenger to the governor and council shall be one thousand dollars from and after the first day of January in the year eighteen hundred and eighty-seven. Salary estab-
lished.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1887.

AN ACT IN RELATION TO THE CAPE COD SHIP CANAL COMPANY. *Chap.222*

Be it enacted, etc., as follows :

SECTION 1. The time for the completion of the Cape Cod Ship Canal and for the use, exercise and enjoyment of all the franchises, provisions, privileges and exemptions contained and granted in and by chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three and chapter two hundred and seventy-four of the acts of the year eighteen hundred and eighty-four is hereby extended for a period of four years except as hereinafter otherwise provided ; and the contract referred to in section eight of said chapter two hundred and seventy-four may be renewed or extended accordingly. Time for com-
pletion ex-
tended.

SECTION 2. Section two of chapter two hundred and seventy-four of the acts of the year eighteen hundred and eighty-four is hereby repealed, and section seven of chapter two hundred and fifty-nine of the year eighteen hundred and eighty-three is hereby re-enacted and amended so as to read as follows : — *Section 7.* It shall be the duty of the Old Colony Railroad Company so to alter its location as to cross the said canal at such point or points as said railroad company and said canal company may agree upon, or as the board of harbor and land commissioners and the board of railroad commissioners, who are for this purpose constituted a joint board, shall, acting together, by a majority vote after due notice and a public hearing determine ; and said joint board shall also determine the question whether said canal shall be crossed by Repeal of 1884,
274, § 2.

Old Colony Rail-
road Company
to alter its
location.

a public highway, and if so at what point and in what manner; and in determining said questions said board shall consider the obstruction of traffic upon said canal and the railroad, and the general public convenience; and if such public highway is ordered said canal company shall construct the same at the point and in the manner so determined. The board of railroad commissioners, after due notice to all parties interested and hearing of all who shall appear, shall also determine and prescribe in writing the time when and the manner in which the Old Colony Railroad Company shall alter its location so as to cross said canal at such point or points; and in making such alterations said railroad corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws relating to railroads, except that the damages of land owners shall be assessed only against and paid by said canal company as in case of land taken for railroad purposes. The Cape Cod Ship Canal Company shall thereupon proceed to build the railroad and bridge or bridges upon the new location, and complete the same in such manner and at such time as may be prescribed by the railroad commissioners, and to their satisfaction in case the parties do not agree upon the same, and shall pay all the damages caused by the construction of said railroad upon such new location, and shall be liable for such damages as in the case of the construction of railroads. Until the completion of the railroad upon the new location said canal company shall not enter upon the old location of the railroad, except for making surveys or by the consent of the railroad commissioners. Damages occasioned to the railroad company by its compliance with the requirements of this act may be recovered by it of the canal company in the manner provided by law for the recovery of damages caused by the location and construction of railroads. The Cape Cod Ship Canal Company shall also build and maintain and keep in repair a bridge or bridges across said canal suitable for the passing of the railroad, which said bridges shall each have a suitable draw for the passage of vessels and shall be constructed and maintained under the supervision of the board of railroad commissioners, and one of them, if said joint board shall so prescribe, shall be suitable for the passage of the highway.

The Cape Cod Ship Canal Company to build railroad and bridges upon new location.

Said railroad company shall appoint a steady and discreet superintendent and all necessary assistants for each drawbridge, who shall be paid by said canal company a reasonable compensation to be fixed by the railroad commissioners. Said superintendent shall have full control and direction of the passing of vessels through the draw and of trains over the bridge, and with said assistants shall be subject to such rules and regulations not inconsistent with law as said railroad and canal company shall from time to time prescribe for the operation of said bridge; but said rules and regulations shall be subject to approval and alteration by the said board of railroad commissioners. And said superintendent and assistants shall be subject to removal by said board of railroad commissioners.

To appoint superintendents, etc., for drawbridges.

Superintendent to have full control of vessels passing through draw and of trains over bridge.

SECTION 3. In case of injury to or destruction of any railroad bridge over the canal without the fault or negligence of the railroad company, it may at once repair or rebuild the same, and may recover of the canal company the reasonable expense therefor, in an action of contract.

Repair, etc., of bridge.

SECTION 4. The deposit made with the treasurer of the Commonwealth pursuant to the provisions of section nineteen of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three shall be by him repaid to said canal company whenever the board of harbor and land commissioners shall certify that said corporation has actually received into its treasury and expended one million dollars in the construction of said canal pursuant to its charter, and the said canal company shall have also filed with the treasurer certificates in writing of the county commissioners of the county of Barnstable that it has settled all land damages and all damages to the Old Colony Railroad Company as provided in section two of this act or has given security satisfactory to said county commissioners to pay the same. So much of said section nineteen as is inconsistent herewith is hereby repealed.

Deposit with treasurer to be repaid to canal company, when, etc.

SECTION 5. Section twenty of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three is hereby amended so as to read as follows: — *Section 20.* Said canal company, by a vote of a majority of its stockholders at a meeting called for the purpose, may issue coupon or registered bonds, to provide means for funding its floating debt or for the pay-

Amendment to 1883, 259, § 20.

Canal company may issue bonds and may mortgage property to secure payment.

ment of money borrowed for any lawful purpose, and may mortgage or pledge as security for the payment of such bonds, a part or all of its real and personal property, or franchise. Such bonds may be issued in sums of not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and bearing interest not exceeding seven per cent. a year payable annually or semi-annually to an amount which, including that of the bonds previously issued, does not exceed all the capital stock of the corporation actually paid in at the time; and such bonds shall be recorded by the treasurer of said corporation in books to be kept in his office. No bond shall be issued unless approved by some person appointed by the corporation for that purpose, who shall certify that it is properly issued and recorded. In case any such mortgage is executed to trustees, then all bonds secured thereby shall also bear the certificate of one or more of the trustees that the same are so secured, and that the mortgage has been delivered to the trustees and duly recorded. Every such mortgage shall be recorded in the registry of deeds for the county of Barnstable. This section shall be subject to the provisions of sections sixty-two to seventy, inclusive, of chapter one hundred and twelve of the Public Statutes, so far as the same may be applicable.

Right to file claims for damages.

SECTION 6. If the right of any person or persons to file claims against the canal company for damages to property taken by said company's location has lapsed such right is hereby revived for one year from the passage of this act.

Land within location of canal may be taxed.

SECTION 7. The towns of Sandwich and Bourne may tax the land within the location of said canal to said canal company upon an assessed valuation of land at the time of the taking thereof by said company, and until the canal is constructed thereon.

1884, 274, § 8, not repealed.

SECTION 8. Nothing contained in this act shall be construed as repealing any of the provisions of section eight of chapter two hundred and seventy-four of the acts of the year eighteen hundred and eighty-four.

SECTION 9. This act shall take effect upon its passage.

Approved April 26, 1887.

AN ACT TO INCORPORATE THE GREYLOCK INSTITUTE WATER
COMPANY.

Chap. 223

Be it enacted, etc., as follows :

SECTION 1. Benj. F. Mills, John W. Dickinson, George F. Mills, Charles A. Mills, and their associates and successors, are hereby made a corporation by the name of the Greylock Institute Water Company, for the purpose of furnishing Greylock institute and the inhabitants of South Williamstown, in the town of Williamstown, with water for the extinguishment of fires and for domestic and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Greylock Institute Water Company incorporated.

SECTION 2. Said corporation for the purposes aforesaid may take the waters of Green river, so called, in the town of Williamstown, and of the tributaries thereof, with any water rights connected therewith, and may also take and hold by purchase or otherwise any real estate, rights of way or easements necessary for laying, constructing and maintaining aqueducts, reservoirs, storage basins, dams and such other works as may be deemed necessary or proper for collecting, purifying, storing, discharging, conducting and distributing said waters to said Greylock institute and to said inhabitants; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take waters of Green River in Williamstown.

May erect dams and other structures.

May dig up lands under direction of selectmen.

To file in the registry of deeds a description of the land, etc., taken.

SECTION 3. The said corporation shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the office of the registry of deeds for the northern district of the county of Berkshire a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by any person in his property by the taking of any land, water or water rights, or by constructing any aqueducts or other works for the purposes specified in this act. And if any person who shall sustain damages as aforesaid cannot agree with said corporation upon the amount of said damages, the same shall be ascertained, determined and recovered in the manner now provided by law in case of land taken for highways.

Real estate and capital stock.

SECTION 5. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount five thousand dollars; and the whole capital stock of said corporation shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each.

May issue bonds.

SECTION 6. Said corporation may issue bonds and secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Penalty for corrupting or diverting water.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

May regulate use of water and fix and collect water rates.

SECTION 8. The said corporation may distribute the water through said South Williamstown, may regulate the use of said water and fix and collect water rates to

be paid for the same, and may make such contracts with any individual or corporation to supply water for the extinguishing of fire or for other purposes as may be agreed upon by such individual or corporation and said corporation.

SECTION 9. Any owner of land or water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security satisfactory to the county commissioners for the county within which said land or water right is situated, for the payment of all damages and costs which may be awarded to him for the land or other property taken. If upon petition of such owner, with notice to the adverse party, the security appears to the said commissioners to have become insufficient, they shall require said corporation to give further security to their satisfaction; and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Security may be required for payment of damages.

SECTION 10. The said town of Williamstown, or any fire district that is or may hereafter be legally organized therein, shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation on payment to said corporation of the total cost of its franchise, works and property of any kind, held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. The said town or fire district, on taking as herein provided the property of said corporation, shall assume all of its outstanding obligations including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town or fire district to said corporation. In case of a foreclosure of the bonds au-

Town of Williamstown or a fire district may take property and franchise.

thorized by this act, the said town or fire district may take possession of the property and rights of said corporation on the payment of said bonds, principal and interest. In case said town or fire district and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town or fire district, the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town or fire district to take possession of such franchise, corporate property, rights and privileges upon payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the taking is assented to by said town or fire district by a two-thirds vote of the voters of said town or such fire district, present and voting thereon at a meeting legally called for that purpose.

Subject to assent
by a two-thirds
vote.

Town or district
may issue
bonds.

SECTION 11. The said town or district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate twenty thousand dollars; such bonds, notes and scrip shall bear on their face the words Williamstown Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said town or district and be countersigned by the water commissioners hereinafter provided for. The said town or district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. And said town or district shall pay the interest upon said loan as it accrues and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or, from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said district shall decide to establish a sinking fund, it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at matu-

Sinking fund to
be provided, etc

riety; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said district shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall without further vote of said district be raised annually by taxation in the same way as money is raised for other district expenses.

SECTION 12. After the purchase of said franchise and corporate property as herein provided, the said town or district shall raise annually by taxation a sum which with the income derived from the sale of water shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said district, together with such payments on the principal as may be required under the provisions of this act. Said town or district is further authorized, by assent of two-thirds of the voters of said town or district present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding three thousand dollars in any one year.

To raise annually by taxation a sum sufficient to pay current expenses and interest.

May enlarge works upon a two-thirds vote.

SECTION 13. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken for the payment of annual proportions of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Return of amount of sinking fund, etc.

SECTION 14. Whenever a tax is duly voted by said town or district for the purposes of this act, the clerk shall render a certified copy of the vote to the assessors of the town of Williamstown who shall proceed within thirty days to assess the same in the same manner in all respects as town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the same manner as is provided for the collection of town taxes, and, in case such tax is a district tax, shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said town or district may collect interest on taxes when overdue in the same manner as interest is

Assessment and collection of tax

authorized to be collected on unpaid town taxes: *provided*, said town or district at the time of voting to raise a tax shall so determine, and shall also fix a time for the payment thereof.

Water commis-
sioners to be
elected.

SECTION 15. The said town or district shall, after its purchase of said franchise and corporate property, as *provided* in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town or district by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town or district may impose by its vote. The said commissioners shall be the trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or district at any legal meeting called for the purpose. No money shall be drawn from the town or district treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said town or district in writing of their doings and expenditures.

To be trustees
of the sinking
fund.

To make annual
reports.

Calling and
notification of
meetings.

SECTION 16. The said town or district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called on application of seven or more legal voters in said district, by warrant from the selectmen of said town, on such notice as may be prescribed therein. The said town or district may also provide rules and regulations for the management of its water works not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

SECTION 17. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within two years from the date of its passage.

Work to be commenced within two years.

Approved April 26, 1887.

AN ACT TO INCORPORATE THE MANUFACTURERS' LOAN AND TRUST COMPANY. *Chap. 224*

Be it enacted, etc., as follows:

SECTION 1. John G. Mackintosh, Charles E. Mackintosh, Thomas M. Shepherd, their associates and successors, are hereby made a corporation by the name of the Manufacturers' Loan and Trust Company, to be located at Holyoke, for the purpose of receiving on deposit, storage or otherwise, moneys, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, including deposits of money or property from savings banks and trust companies, which they are hereby authorized to make, upon such terms or conditions as may be obtained or agreed upon, and of investing moneys so received, and at the request of any depositor of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, and for the purpose of loaning or advancing money or credits on real and personal security on terms that may be agreed upon, and all the powers and privileges necessary for the execution of these purposes are granted, subject nevertheless to all the duties, restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes and in all the general laws which now are or hereafter may be in force in relation to such corporations.

Manufacturers-Loan and Trust Company incorporated.

SECTION 2. Said corporation shall at all times have on hand, as a reserve, in lawful money of the United States, or balances, payable on demand, due from any national bank doing business in this Commonwealth, or in any other trust company established under the laws of and doing business within the Commonwealth, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon

Reserve to be at least 15 per cent. of deposits subject to withdrawal on demand.

demand or within ten days; and whenever said reserve of such corporation shall be below said fifteen per centum of such deposits, it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: *provided*, that in lieu of lawful money one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth, or in any other trust company established under the laws of and doing business within the Commonwealth, and one-third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation.

Proviso.

Court may order moneys, etc., to be here deposited.

Not to be required to execute a trust without its own assent.

Loans and investments.

SECTION 3 Any court of law or equity, including courts of probate and insolvency of this state, may decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or property received under the provisions of this section shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or of cities or counties or towns thereof, or of the states of Illinois, Iowa, Michigan, Minnesota, Wisconsin, or of the cities or counties thereof, or in stocks of state or national banks organized within this Commonwealth, or in the first mortgage bonds of any railroad company incorporated by any of the New England states which has earned and paid regular dividends on its stocks for two years next preceding such loan or investment, or in the bonds of any such railroad company unencumbered by mortgages, or in first mortgages on real estate in this Commonwealth, or in any securities in which savings banks are allowed to invest, or upon notes with two sure-

ties of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgages or by levy of execution shall be sold at public auction within two years after such foreclosure or levy; *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, and the investments or loans of them, shall be specially appropriated to the security and payment of such deposits and not to be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso said corporation shall have a trust department into which all business authorized by this section shall be kept separate and distinct from its general business.

Special deposits; separate accounts.

SECTION 4. Said corporation may also be appointed executor under any will, or trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, hereafter referred to, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation by any officer thereof duly authorized by it, and the answers and examinations, under oath, of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry, instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys, or to execute any trust, contrary to its own desire.

May be appointed executor or trustee.

SECTION 5. In the management of money and property held by it as executor or trustee under the powers

Moneys received under the foregoing section to

be deposited in the general trust fund.

conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company referred to in section three of this act: *provided*, that it shall be competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

Proviso.

Moneys received under §§ 4, 5, not to be mingled with investments of capital stock.

SECTION 6. No money, property or securities received or held by said company under the provisions of sections four and five of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Limitation of liabilities to corporation.

SECTION 7. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall at no time exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up, and one-tenth part of its deposits. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

Returns to be made to commissioners of savings banks semi-annually.

SECTION 8. Said corporation shall semi-annually make a return to the commissioners of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said returns shall specify the following, namely: — Capital stock; amount of all moneys and property in detail in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations, stating

amount in each; loans on notes of individuals; loans on mortgages of real estate; cash on hand; all as existing at the date of making such returns, with the rate, amount and date of dividends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Such returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper in the city of Holyoke, at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners.

Commissioners of savings banks to make examination into affairs.

Returns to be in form of a trial balance of books and to be published in a newspaper.

SECTION 9. Said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes, and any acts now existing or which may hereafter be passed in amendment or lieu thereof.

Subject to provisions of P. S. 13.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities or towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes and acts in amendment thereof, for corporations failing to make returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total

To make annual return to tax commissioner of personal property held in trust, liable to taxation.

value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Annual return to tax commissioner of sums deposited on interest or for investment.

SECTION 11. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the tenth and thirteenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Payments into the treasury.

Not to be taxed in towns where beneficiaries reside.

SECTION 12. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect to any such property held on trust or any such amounts deposited on interest or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid said corporation shall be subject to sections fifty-two, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of the Public Statutes and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Deposits withdrawable on demand deemed money in possession.

SECTION 13. Deposits with said corporation, which can be withdrawn on demand or within ten days, shall, for purposes of taxation, be deemed money in possession of the persons to whom the same is payable.

May act as agent for issuing bonds, etc.

SECTION 14. The said corporation is also authorized to act as agent for the purpose of issuing, registering or

countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon, and may also act as trustees or financial or other agent for any person or firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans and to sell and negotiate the sale of securities, notes or other evidences of indebtedness, on such terms as may be agreed upon, and to receive and make payments on account of the same, and to receive money and invest the same, and may also act as trustee for the bondholders of corporations, and to this end is empowered to receive transfers of real and personal property upon such terms as may be agreed upon.

May act as trustee for bondholders of corporations.

SECTION 15. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding five hundred thousand dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Capital stock.

SECTION 16. Said corporation shall be entitled to purchase and hold real estate in the city of Holyoke suitable for the transaction of its business, to an amount not exceeding in value twenty-five thousand dollars.

Real estate in city of Holyoke.

SECTION 17. The shareholders of said corporation shall be held individually liable, equally and ratably and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one inclusive, shall apply to and regulate the enforcement of this liability.

Liability of shareholders.

SECTION 18. The shares of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall for that purpose ordain and establish, and not otherwise.

Shares to be transferable, etc.

SECTION 19. This act shall take effect upon its passage.

Approved April 26, 1887.

Chap.225 AN ACT REQUIRING ANNUAL RETURNS FROM CERTAIN CORPORATIONS.

Be it enacted, etc., as follows:

Corporations to
make annual
returns, etc.

SECTION 1. Every corporation chartered by this Commonwealth subsequently to the twenty-third day of February in the year eighteen hundred and thirty, or organized under the general laws, for the purposes of business or profit, having a capital stock divided into shares, except banks, co-operative banks, savings banks and institutions for savings, insurance companies, including the Massachusetts Hospital Life Insurance Company, steam and street railway companies, safe deposit and trust companies and the Collateral Loan Company, shall be subject to the provisions of sections fifty-four, fifty-five, fifty-nine, eighty-one, eighty-two and eighty-four of chapter one hundred and six of the Public Statutes, and shall annually make and file the certificates and returns therein required.

SECTION 2. This act shall take effect on the first day of July next.

Approved April 26, 1887.

Chap.226 AN ACT RELATING TO THE OVERLAY OF TAXES.

Be it enacted, etc., as follows:

Amendment to
P. S. 11, § 49.

SECTION 1. Section forty-nine of chapter eleven of the Public Statutes is amended so that it shall read as follows: — *Section 49* They may, for the purpose of avoiding fractional divisions of the amount to be assessed in the apportionment thereof, add to that amount a sum not exceeding five per cent. thereof. And this overlay is authorized notwithstanding the limit of taxation now provided by law may, by such overlay, be exceeded.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1887.

Chap.227 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE DISTRICT COURT OF SOUTHERN BERKSHIRE.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The salary of the clerk of the district court of southern Berkshire shall be five hundred dollars per annum.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1887.

AN ACT EXEMPTING CORPORATIONS WHOSE FRANCHISE IS SUBJECT TO TAXATION FROM TAXATION OF THEIR SHARES. *Chap. 228*

Be it enacted, etc., as follows:

SECTION 1. Chapter eleven of the Public Statutes is hereby amended in the fourth section by adding thereto the following words: — and this proviso shall apply to corporations mentioned in the forty-sixth section of said chapter thirteen, — so that the last clause of said section four shall be as follows: — *provided*, that no taxes shall be assessed in any city or town for state, county or town purposes upon the shares in the capital stock of any corporation organized or chartered in the Commonwealth paying a tax on its corporate franchises under the provisions of chapter thirteen for any year in which it pays such tax, but such shares shall be taxable to the owners thereof for school district and parish purposes, and this proviso shall apply to corporations mentioned in the forty-sixth section of said chapter thirteen.

Shares exempted in corporation paying tax on franchise.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1887.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FORTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FIVE, BEING AN ACT TO AMEND THE CHARTER OF THE CITY OF LAWRENCE. *Chap. 229*

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and forty-six of the acts of the year eighteen hundred and eighty-five entitled an act to amend the charter of the city of Lawrence is hereby repealed.

Charter amended.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1887.

AN ACT TO AUTHORIZE BUCHANAN BURR TO BUILD A CAUSEWAY, OR BRIDGE, OVER POCASSET RIVER IN THE TOWN OF BOURNE. *Chap. 230*

Be it enacted, etc., as follows:

SECTION 1. Buchanan Burr may build and maintain a causeway, or bridge, from a point on the south side of Bennett's neck, so called, in the town of Bourne, across the stream called Pocasset river to the opposite bank of said stream, for a roadway and to connect his lands in said town of Bourne; subject to the provisions of chapter nine-

Bridge, etc., across Pocasset river in Bourne.

teen of the Public Statutes and of any other laws which now are or hereafter may be in force applicable thereto. Said causeway, or bridge, may be built with or without draws as may be determined by the board of harbor and land commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1887.

Chap.231 AN ACT IN REFERENCE TO THE OFFICE OF FIRE MARSHAL OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Fire marshal of city of Boston. Amendment to 1886, 354, § 6.

SECTION 1. Section six of chapter three hundred and fifty-four of the acts of the year eighteen hundred and eighty-six is amended so as to read as follows: — *Section 6.* On the first of May of each year, on the presentation of proper vouchers and accounts, the treasurer of the Commonwealth shall pay to the treasurer of the city of Boston the salary of the said fire marshal, and the expenses incurred during the preceding calendar year in prosecuting his investigations in the manner above mentioned; but the total amount of such salary and expenses which such fire marshal may incur shall not exceed twenty-five per cent. of the tax collected by the Commonwealth on premiums received by insurance companies for writing fire risks in the city of Boston during the preceding calendar year.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1887.

Chap.232 AN ACT TO ESTABLISH THE SALARY OF THE INSPECTOR AND ASSAYER OF LIQUORS.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The inspector and assayer of liquors shall receive a salary of twelve hundred dollars a year, and at the same rate for any part of a year.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1887.

Chap.233 AN ACT TO CONFIRM THE PROCEEDINGS OF THE LAST ANNUAL TOWN MEETING OF THE TOWN OF BILLERICA.

Be it enacted, etc., as follows:

Proceedings at town meeting confirmed.

SECTION 1. The proceedings of the annual town meeting of the town of Billerica held on the twenty-first day

of March in the year eighteen hundred and eighty-seven shall not be invalid by reason of failure to notify and hold said meeting in accordance with the by-laws of said town, or of irregularities in the proceedings thereat; and the election of town officers at said meeting is ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1887.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF POLICE MATRONS
IN CITIES, AND FOR THE ESTABLISHMENT OF A HOUSE OF DETEN-
TION FOR WOMEN IN THE CITY OF BOSTON.

Chap. 234

Be it enacted, etc., as follows:

SECTION 1. In every city of the Commonwealth having a population of over thirty thousand inhabitants as shown by the last state or national census, except the city of Boston, the mayor shall within one month after the passage of this act designate one or more police stations as the station or stations for the detention and confinement of all women under arrest within such city; and in any other city of the Commonwealth, except the city of Boston, the mayor may, and in the city of Boston the board of police may, so designate at any time one or more police stations. Such mayor or board of police may at any time so designate any additional station or stations, or may declare any station or stations to be no longer so designated, provided that at least one such station shall always remain so designated, except in the city of Boston. The board of police in the city of Boston, and the mayor in any other city, shall have the sole power to appoint, and shall appoint as soon as may be after any station has been designated as above provided, either one or two police matrons to be attached to such station.

Police matrons to be appointed in cities of over thirty thousand inhabitants.

SECTION 2. No woman shall be appointed a police matron unless suitable for the position, and recommended therefor in writing by at least ten women of good standing, residents of the city in which the appointment is made. Police matrons shall be appointed to hold office until removal, and they may be removed at any time by the authority appointing them by written order stating the cause of removal. Upon the death, resignation or removal of a police matron her successor shall be appointed as soon as may be. A police matron shall receive

To be recommended for appointment by women in good standing.

a reasonable salary or pay, which shall be fixed, except in the city of Boston, by the city council of the city in which she is appointed; in the city of Boston the salary of a police matron shall be fixed by the concurrent action of the city council and of the board of police, and paid by the city treasurer upon the requisition of said board. Where only one police matron is attached to a station she shall reside within a reasonable distance of such station, and shall hold herself in readiness to respond to any call therefrom at any hour of the day or night. Where two police matrons are attached to a station the respective hours during which they shall respond to calls therefrom shall be so fixed by the authority appointing them that one or the other of them shall be ready to respond at all hours of the day and night; and each such matron shall, during the hours so fixed for her, remain within a reasonable distance of such station, and hold herself in readiness to respond to any call therefrom. So long as any woman is detained or held under arrest in a police station to which a matron or matrons is or are attached, it shall be the duty of such matron, or one of such matrons, to remain constantly thereat ready for service. A police matron shall have the entire care and charge of all women held under arrest in the station to which she is attached, and she may at any time call upon the officer in command of such station for assistance; she shall be subject to the authority at the head of the police department of the city in which she serves, and to the rules and regulations, not inconsistent with this act, prescribed by such authority; but she shall not be subject to the control or direction of any police officer attached to a station excepting the officer in command thereof at the time. In every station to which a police matron is attached it shall be the duty of the authority appointing her to provide, at the expense of the city, sufficient and proper accommodation for women held under arrest.

Matrons to have entire care of women held under arrest.

House of detention in city of Boston to be established by the board of police.

SECTION 3. In the city of Boston the board of police shall establish within three months after the passage of this act, and shall maintain, a house of detention for the reception and confinement of women under arrest; and for that purpose said board shall have the authority to hire, lease, alter and arrange a building or buildings, and to fit up the same in a suitable manner. Reasonable salaries for the officers and assistants of such house of

detention hereinafter provided for shall be fixed by concurrent action of the city council and of said board of police, and such salaries, together with all expenses incurred for the establishment of such house of detention, for the maintenance of the same, and for the transportation of prisoners thereto and therefrom, shall be paid by the city treasurer of said city of Boston upon the requisition of said board. Said board of police may prescribe all needful rules and regulations, not inconsistent with this act, for the government of such house of detention. The officers of such house of detention shall consist of a chief matron, an assistant chief matron, and as many assistant matrons and other male or female assistants as said board of police may deem necessary for the proper management of the same. The chief matron and assistant chief matron shall be appointed by the board of police, but no woman shall be so appointed unless suitable for the position and recommended therefor in writing by at least twenty-five women of good standing, residents of the city of Boston; they shall be appointed to hold office until removal, and they may be removed at any time by said board by written order stating the cause of removal. The assistant matrons and other assistants shall be appointed, and may be suspended, by the chief matron, subject to the approval of said board of police. Either the chief matron or the assistant chief matron shall be on duty at all hours of the day and night. A police officer who takes a woman to such house of detention shall render such assistance in placing her under confinement as the chief matron or assistant chief matron may require, and the chief matron or assistant chief matron may at any time send to the nearest police station for such police assistance as she may require.

Matron, assistant matron and female assistants.

SECTION 4. Whenever a woman is arrested and taken to a police station to which a matron is attached, it shall be the duty of the police officer in command of such station to cause such matron to be summoned forthwith, if she is not then present; and whenever in any city in which a police matron has been appointed, or in the city of Boston, a woman is arrested and taken to a station to which no matron is attached, it shall be the duty of such officer to cause such woman to be removed as soon as possible to the nearest station to which a matron is attached, or in the city of Boston to the house of detention

Matron to be summoned to police station when a woman is arrested.

above provided for, and the city treasurer of the city shall pay the reasonable expense of such removal, upon the requisition of the authority at the head of the police department of the city. In the city of Boston the board of police shall make regulations prescribing the police divisions from which all women arrested shall be taken or sent directly to said house of detention, without confinement in a police station, and the disposition that shall be made, in compliance with the provisions of this act, of women arrested in the other police divisions to whose stations no matron is attached. No such removal of a woman shall operate to take from any court any jurisdiction which it would otherwise have had.

“Police station,” “station” and “woman” defined.

SECTION 5. The expression “police station” or “station” in this act shall include any place where persons are temporarily confined under arrest; the expression “woman” shall include any person of the female sex.

SECTION 6. This act shall take effect upon its passage.

Approved April 27, 1887.

Chap. 235 AN ACT TO RATIFY AND CONFIRM THE PROCEEDINGS OF THE TOWN MEETING OF STOUGHTON IN THE COUNTY OF NORFOLK, HELD IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

Be it enacted, etc., as follows:

Proceedings at town meeting confirmed.

The town meeting for the election of town officers and other matters relating to the town of Stoughton in the county of Norfolk held in the month of March in the year eighteen hundred and eighty-seven shall be valid and effectual notwithstanding any defects in the warrant calling said meeting or the failure to use a check list at said meeting or any irregularities in the proceedings thereat; and the election of town officers at said meeting and the action taken thereat and the proceedings had upon any and all articles set forth in the warrant under which said meeting was held are hereby ratified and confirmed.

Approved April 27, 1887.

Chap. 236 AN ACT PROVIDING FOR THE APPOINTMENT OF ASSISTANT ASSESSORS OF TAXES IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

Assistant assessors to be appointed.

SECTION 1. The mayor of the city of Worcester shall annually, in the month of April, appoint one person in

each ward of said city, who shall be a resident therein, to be an assistant assessor, and such other persons at large to be assistant assessors as the city council from time to time may by ordinance determine. Such assistant assessors, on being confirmed by the board of aldermen of said city and having been sworn to the faithful performance of their duties, shall be qualified to perform all the duties of assistant assessors.

SECTION 2. Section twenty-five of the acts of the year eighteen hundred and sixty-six and all other acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage, but the persons elected assistant assessors under existing laws shall continue in office until the appointment and qualification of such officers under this act. Present officers to remain until successors are qualified.

Approved April 27, 1887.

AN ACT TO PROVIDE FOR THE TRANSFER AND THE MANAGEMENT OF CEDAR GROVE CEMETERY IN THE CITY OF BOSTON. *Chap. 237*

Be it enacted, etc., as follows:

SECTION 1. Thomas F. Temple, Herbert S. Carruth, Albe C. Clark, J. Frank Howland and William Pope, proprietors of lots in Cedar Grove Cemetery, their associates and successors, are hereby made a corporation by the name of The Proprietors of Cedar Grove Cemetery; with all the powers and privileges, and subject to all the duties, liabilities and restrictions which now are or may hereafter be in force relating to such corporations, except as is hereinafter provided. The proprietors of Cedar Grove Cemetery incorporated.

SECTION 2. Said corporation may purchase, acquire, receive and hold real estate in that part of the city of Boston which was formerly Dorchester, to the extent of sixty acres; and said corporation may also hold personal estate to an amount not exceeding one hundred thousand dollars. Real and personal estate.

SECTION 3. All persons now owning lots in said cemetery or who shall hereafter become proprietors of lots therein, shall be and become members of said corporation. Owners of lots to become members of corporation.

SECTION 4. The officers of said corporation shall consist of seven trustees, a treasurer and a secretary, and such other officers as they may direct. The same person may hold the offices of secretary and treasurer. The secretary shall be clerk of the board of trustees. The Commissioners to be trustees, etc.

five persons now commissioners of Cedar Grove Cemetery under the provisions of an act passed in the year one thousand eight hundred and sixty-eight, entitled "An act relating to a public cemetery in the town of Dorchester," and the acts in addition thereto, shall respectively be and remain trustees under this act until three years after the expiration of their respective terms of service under the aforesaid acts; and at the first annual meeting of said corporation two additional trustees of said corporation shall be chosen, one of whom shall hold his office for one year, and the other shall hold his office for two years from the time of such election. All vacancies in said board of trustees shall be filled by elections by ballot. At the annual meeting in the year eighteen hundred and eighty-eight, one trustee shall be chosen, who shall hold his office for the term of seven years. At every annual meeting thereafter one trustee shall be chosen to hold his office for the term of seven years after his election. And the said trustees shall have the general management, care and superintendence of the property, expenditures, business and prudential affairs of said corporation, and of the sales of lots in said cemetery, and shall make a report of their doings to the corporation at its annual meeting. The treasurer shall give such bonds as the trustees may direct. In case of a vacancy in said board of trustees by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another trustee, who shall hold his office for the residue of the term for which such member, so deceased, resigned or removed, would have held the same. And such election may be made at any annual or special meeting of said corporation. Said trustees shall not receive any compensation for their services as such trustees.

Vacancies.

Treasurer to give bonds.

City of Boston to convey to corporation all property, rights, etc.

SECTION 5. The city of Boston is hereby authorized and required to transfer and convey, immediately upon the organization of this corporation, to said corporation all the right, title and interest which it has in the lands which have been purchased or set apart for said cemetery, and in and to all other estate, property, rights and things purchased or otherwise obtained, acquired and accrued to said cemetery and within the territory aforesaid, which said city now has or is entitled to have, and in and to any and all moneys standing to the credit of said cemetery upon the books of the city of Boston, and all other rights,

interests, moneys and trust funds relating to said cemetery. And said corporation shall hold the said property, estate and rights for the same uses and purposes, and charged with the same duties and liabilities for and subject to which the same are now held by the city of Boston; and all rights which any persons have acquired in said cemetery shall remain valid to the same extent as if this act had not been passed.

SECTION 6. The annual meetings of said corporation shall be held on the fourth Monday of April in each year, at such place in the city of Boston as the trustees shall direct, and notices thereof, signed by the secretary, shall be published in one or more of the newspapers printed in Boston at least seven days before the meeting; special meetings may be called by order of the trustees in the same manner. At all meetings of said corporation a quorum for business shall consist of not less than nine persons, and any business may be transacted of which notice shall be given in the advertisements for the meeting, and all questions shall be decided by a majority of the members present and represented, and voting either in person or by proxy.

Annual meetings.

SECTION 7. As soon as said city of Boston shall have made the conveyance and transfer of said property as aforesaid, said corporation shall succeed to all the rights, powers and privileges, and be subject to all the duties, obligations and liabilities in respect to the same, which said city of Boston had or was liable to before such conveyance, and the trustees herein provided for, shall have all the rights, powers, authorities, trusts, immunities and privileges which the said commissioners under the said act, entitled "An act relating to a public cemetery in the town of Dorchester" and the acts in addition thereto had, and after such conveyance the last named commissioners shall cease to have any power or authority under the said act, but shall have and hold their power and authority under this act. And said trustees shall have the authority to grant and convey to any person or persons by deeds duly executed the sole and exclusive rights of burial and of erecting tombs, cenotaphs and other monuments in any of the designated lots or subdivisions of said cemetery, upon such terms and conditions as they by their rules and regulations shall from time to time prescribe; and said trustees may from time to time make such rules and reg-

Upon conveyance made, corporation to succeed to all rights, etc.

Trustees to make rules and regulations.

ulations in regard to the mode and manner in which the proprietors shall exercise the rights granted to them in their respective lots or subdivisions of land in said cemetery as to them shall seem fit, the same not being inconsistent with this act or the laws of this Commonwealth relating to such cemeteries, and such regulations shall be binding upon all proprietors in the same.

Trustees may take and hold donation, etc., of property in trust.

SECTION 8. Said board of trustees are hereby authorized to take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof for the improvement or embellishment of said cemetery or for the erection, repair, preservation or renewal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form consistent with the purposes for which said cemetery is established according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of any money shall be made by the proprietor of any lot in said cemetery, for the annual repair, preservation or embellishment of such lot and the erections thereon, the said trustees may give to such proprietor or his representative an agreement or obligation in such form and upon such conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot forever, or for any such period as may be agreed upon. And any sums of money so received by said trustees shall be, and any other funds in their hands may be by them invested in savings banks, and in any securities in which savings banks are authorized to invest. And unless other provision is made by the terms of any such grant, donation or bequest, all such sums and property shall be under the direction of said board of trustees, and the income of such fund or funds shall be appropriated by said board of trustees in such manner as shall in their opinion best promote the purposes for which said grants, donations, bequests or deposits are made; but said board of trustees shall not be liable to make any renewal or reconstruction of any monument or other erection on any lot in said cemetery, unless such liability shall be expressed in the agreement given by them as aforesaid, or in the terms and conditions under which they accept any grant, donation or bequest.

Investment of funds.

SECTION 9. All personal property now belonging to said cemetery, and the proceeds of all sales of lots in lands now held or hereafter to be acquired by said cemetery, shall be forever devoted and applied to the preservation, improvement, embellishment, protection and enlargement of said cemetery, and the incidental expenses thereof, and to no other purpose.

Proceeds of sales, etc., to be applied to improvement and protection of cemetery.

SECTION 10. This act shall take effect upon its passage so far as to authorize the commissioners to call the meeting hereafter mentioned, and for the proprietors to act upon the acceptance of the same; and it shall take full effect whenever the proprietors of lots in said cemetery shall, within sixty days after the passage of this act, accept the same at a meeting of such proprietors to be held at such time and place as shall be designated by the commissioners of Cedar Grove Cemetery, who shall be in office at the time of the passage of this act. Said meeting shall be called by the said commissioners, to be held at some suitable place within the city of Boston, by publishing notices of the time, place and purpose thereof, once in each of two successive weeks in two or more newspapers published in said city, the last of which publications shall be at least seven days before said meeting.

To take full effect upon acceptance.

SECTION 11. If this act shall be accepted at the meeting of said proprietors mentioned in the preceding section, by the votes of the majority of said proprietors present or represented at said meeting, voting in person or by proxy, the meeting for the organization of said corporation, and the annual meeting of said corporation for the present year, shall be held at the same place and on the same day with the said meeting mentioned in the preceding section, and immediately after the acceptance of this act, and such notice of the said meeting for organizing said corporation, and of said annual meeting shall be given by said commissioners as they shall deem expedient; and the trustees elected at such annual meeting shall hold their offices, one for one year and one for two years from the first Monday of May of the present year.

Annual meeting.

Approved May 2, 1887.

Chap.238 AN ACT TO AUTHORIZE THE HOOSAC TUNNEL AND WILMINGTON RAILROAD COMPANY TO PURCHASE, LEASE AND OPERATE ANY CONNECTING RAILROAD IN VERMONT.

Be it enacted, etc., as follows:

May purchase or lease any connecting railroad in Vermont.

SECTION 1. The Hoosac Tunnel and Wilmington Railroad Company is hereby authorized to purchase or lease and thereafter to hold, maintain and operate in connection with its railroad any railroad line, with its franchise and property, in Vermont, connected with said company's railroad, upon such terms and conditions as may be agreed upon between the directors of said company and the owners of said railroad line in Vermont and ratified by the stockholders of said company at a meeting duly called for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1887.

Chap.239 AN ACT TO CHANGE THE NAME OF THE TEMPORARY ASYLUM FOR THE CHRONIC INSANE AT WORCESTER.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Temporary Asylum for the Chronic Insane at Worcester, an institution established under the laws of the Commonwealth, is changed to Worcester Insane Asylum.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1887.

Chap.240 AN ACT TO INCORPORATE THE KNIGHTS OF LABOR CO-OPERATIVE BUILDING ASSOCIATION OF CAMBRIDGE.

Be it enacted, etc., as follows:

Knights of Labor Co-operative Building Association of Cambridge incorporated.

SECTION 1. William B. Pattison, William H. Edgington, William J. Campbell, William H. Hannaford, William F. Morrill, Jeremiah G. Quinn, their associates and successors, are hereby made a corporation for the term of thirty years from the date of the passage of this act, by the name of the Knights of Labor Co-operative Building Association of Cambridge, for the purpose of purchasing, selling, leasing and improving real estate in the city of Cambridge to an amount not exceeding in value twenty-five thousand dollars, and performing such other legal acts as may be necessary in accomplishing said objects; with all the powers and privileges and subject to

all the duties, liabilities and conditions set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. The capital stock of said corporation shall not exceed twenty-five thousand dollars, and shall be divided into shares of five dollars each: *provided*, that said corporation shall not transact any business until at least three thousand dollars shall have been paid in; and *provided*, that no stock shall be issued until the whole amount of said capital stock shall have been paid in, either in cash or property; the value of which property, if any, shall be determined by the commissioner of corporations.

Capital stock
and shares.

SECTION 3. This act shall take effect upon its passage.

Approved May 2, 1887.

AN ACT TO INCORPORATE THE SUFFOLK TRUST AND INVESTMENT COMPANY.

Chap. 241

Be it enacted, etc., as follows:

SECTION 1. W. T. Clark, Charles W. Whitcomb, Cyrus Bullock of Boston, S. C. Harvey of Cambridge and W. H. White of Brookline, their associates and successors, are hereby made a corporation by the name of the Suffolk Trust and Investment Company, to be located at Boston, for the purpose of receiving on deposit, storage or otherwise, moneys, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, upon such terms or conditions as may be obtained or agreed upon, and of investing moneys so received, and at the request of any depositor of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, and for the purpose of advancing money or credits on real and personal security, on terms that may be agreed upon; and all the powers and privileges necessary for the execution of this purpose are granted, subject, nevertheless, to the duties and restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes and in all the general laws which now

Suffolk Trust
and Investment
Company incor-
porated.

are or hereafter may be in force in relation to such corporations.

Reserve to be on hand equal to fifteen per cent. of deposits withdrawable on demand.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below said per centum of such deposits, it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: *provided*, that in lieu of lawful money one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth, or from any other trust company established under the laws of and doing business within this Commonwealth, and one-third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation.

Courts may order moneys to be deposited with corporation.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this Commonwealth, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or property received under the provisions of this section shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or cities or counties or towns thereof, or of the states of Illinois, Iowa, Nebraska, Kansas, Minnesota and Missouri, or the cities thereof, or stocks of state or national banks organized within this Commonwealth, or in the bonds of any rail-

Corporation may hold moneys, etc., in trust.

Loans and investments.

road company which has earned and paid regular dividends on its stock for five years next preceding such loan or investment, or in first mortgages on real estate not exceeding in amount one-half the fair value thereof, to be certified by two or more of the finance committee, or in any securities in which savings banks are allowed to invest, or upon notes, with two sureties, of manufacturing corporations created under the laws of this Commonwealth, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgages or by levy of execution shall be sold within five years after such foreclosure or levy: *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, and the investment or loans of them, shall be specially appropriated to the security and payment of such deposits and not to be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department into which all business authorized by this section shall be kept separate and distinct from its general business.

Real estate acquired by foreclosure or levy to be sold within five years.

Business of trust department to be kept separate from general business.

SECTION 4. Said corporation may also be appointed trustee under any will or instrument creating a trust for the care and management of property under the same circumstances, in the same manner and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation with the liabilities of the stockholders existing thereunder, hereafter referred to, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation by any officer thereof duly authorized by it, and the answers and examinations, under oath, of such officer shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in

May be appointed trustee under any will or instrument creating a trust.

Not to be required to receive property against its own desire.

Property held under foregoing section to be invested in the general trust fund.

Provisos.

Moneys held under sections four and five not to be mingled with capital stock investments.

Limitation of liabilities to corporation.

To make semi-annual return to commissioners of savings banks.

the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however,* that said corporation shall not be required to receive or hold any property or moneys, or to execute any trust, contrary to its own desire.

SECTION 5. In the management of money and property held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company referred to in section three of this act: *provided,* that it shall be competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also,* that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

SECTION 6. No money, property or securities received or held by said company under the provisions of sections four and five of this act shall be mingled with the investments of the capital stock or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

SECTION 7. The total liabilities to this corporation of any person, firm or corporation, other than cities and towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall at no time exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up, and one-tenth part of its deposits. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

SECTION 8. Said corporation shall semi-annually make a return to the commissioners of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said returns shall specify the following, namely: Capital stock; amount of all moneys and property in detail in possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; trust funds or for purposes of investment; number of depositors; investments

in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgages of real estate; cash on hand; all as existing at the date of making such returns, with the rate, amount and date of dividends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Such returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of Boston at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners.

Returns to be in form of a trial balance of books.

SECTION 9. Said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes, and any acts now existing, or which may hereafter be passed, in amendment or lieu thereof.

Subject to provisions of P. S. 13 and amendments.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May, which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under

To make annual return to the tax commissioner of property held in trust.

the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes and acts in amendment thereof for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Payments into the treasury.

To make annual return of moneys deposited on interest or for investment.

SECTION 11. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the tenth and thirteenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Payments into the treasury.

Taxes not to be assessed in towns, etc., where beneficiaries reside.

SECTION 12. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections fifty-two, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of

the Public Statutes and acts in amendment or lieu thereof so far as the same are applicable thereto.

SECTION 13. Deposits with said corporation which can be withdrawn on demand, shall for purposes of taxation be deemed money in possession of the person to whom the same is payable on demand, or within ten days.

Deposits with-
drawable on
demand taxable
to depositor.

SECTION 14. The said corporation is also authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon, and may also act as trustee or financial or other agent for any person or firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans and to sell and negotiate the sale of securities, and may also act as trustee for the bondholders of corporations, and to this end is empowered to receive transfers of real and personal property upon such terms as may be agreed upon.

May act as agent
for issuing, etc.,
bonds.

SECTION 15. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding one million dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have actually been paid in in cash.

Capital stock
\$100,000 with
power to in-
crease to
\$1,000,000.

SECTION 16. Said corporation shall be entitled to purchase and hold real estate in the city of Boston suitable for the transaction of its business, to an amount not exceeding in value one hundred thousand dollars; and the balance of the capital stock shall be invested only in the investments authorized by section three of this act in the case of moneys or property held in trust or on deposit.

Real estate in
Boston.

SECTION 17. The shareholders of said corporation shall be held individually liable, equably and ratably, and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof,

Liability of
shareholders.

in addition to the amount invested in such shares. The provisions contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one inclusive, shall apply to and regulate the enforcement of this liability.

Shares assign-
able and trans-
ferable.

SECTION 18. The shares of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall for that purpose ordain and establish, and not otherwise.

SECTION 19. This act shall take effect upon its passage.

Approved May 2, 1887.

Chap. 242 AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS OF THE TOWN OF DOUGLAS.

Be it enacted, etc., as follows:

Proceedings at
town meetings
confirmed.

SECTION 1. The proceedings of the town meetings of the town of Douglas held on the twenty-first day of March and the fourth day of April in the year eighteen hundred and eighty-seven, shall not be invalid for the reason that tellers were not appointed and sworn according to law to aid in checking the names of voters and in assisting and counting the votes, nor for the reason that the person acting as town clerk was not properly elected or appointed or sworn; and the election of town officers and all doings of said meetings are ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1887.

Chap. 243 AN ACT TO AUTHORIZE THE PAYMENT OF FEES TO DEPUTY SHERIFFS AND CONSTABLES FOR ATTENDANCE AT THE PROBATE COURTS AND COURTS OF INSOLVENCY.

Be it enacted, etc., as follows:

Payment of
officers for
attendance at
probate courts.

SECTION 1. Section sixty-eight of chapter one hundred and fifty-nine of the Public Statutes is hereby amended by inserting after the word "court" in the third line of said section the words:— or probate court or court of insolvency,— so that said section as amended shall read as follows:— Deputy sheriffs and constables shall be paid out of the county treasury, for attendance upon the supreme judicial court or the superior court or any probate court or court of insolvency in any county except Suffolk, four dollars a day, and five cents a mile for travel out and home once a week during such attend-

ance. Said officers shall receive for attendance upon the supreme judicial court sitting in the county of Suffolk four dollars and fifty cents a day, and for travel the same as in other counties. Said compensation, when said court is sitting for the Commonwealth, shall be paid by the Commonwealth, and in other cases by the county.

Fees of officers for attendance.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1887.

AN ACT CONCERNING THE INVESTMENT OF THE FUNDS OF THE PROPRIETORS OF FOREST HILLS CEMETERY. *Chap.244*

Be it enacted, etc., as follows:

SECTION 1. The trustees of the proprietors of Forest Hills Cemetery are hereby authorized to invest any funds in their hands in any investments in which savings banks are now or may hereafter be authorized to invest and may also invest such funds in loans upon the notes or other obligations of the Massachusetts Hospital Life Insurance Company.

Investment of funds.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE SECRETARY OF THE STATE BOARD OF AGRICULTURE. *Chap.245*

Be it enacted, etc., as follows:

SECTION 1. The clerk of the secretary of the state board of agriculture shall receive an annual salary of twelve hundred dollars.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1887.

AN ACT CONCERNING THE COLLECTION OF CLAIMS AGAINST THE COMMONWEALTH. *Chap.246*

Be it enacted, etc., as follows:

The superior court shall have jurisdiction of all claims against the Commonwealth, whether at law or in equity, except those mentioned in section seven of chapter one hundred and ninety-five of the Public Statutes, and all claims shall be subject to the same set off and recoupment as they would be if the Commonwealth was a private person, and shall be enforced in accordance with the provisions of chapter one hundred and ninety-five of the Public Statutes.

Superior court to have jurisdiction of claims against the Commonwealth.

Approved May 3, 1887.

Chap.247 AN ACT TO INCORPORATE THE MIDDLESEX REAL ESTATE ASSOCIATION OF CAMBRIDGE.

Be it enacted, etc., as follows :

Middlesex Real Estate Association of Cambridge incorporated.

SECTION 1. Louis F. Baldwin, Thomas Taylor, Emory T. Morris, Andrew C. Hall, George F. Betts, their associates and successors, are hereby made a corporation for the term of thirty years from the date of the passage of this act, by the name of the Middlesex Real Estate Association of Cambridge, for the purpose of purchasing, selling, leasing and improving real estate in the city of Cambridge, to an amount not exceeding in value twenty-five thousand dollars, and performing such other legal acts as may be necessary in accomplishing said objects; with all the powers and privileges, and subject to all the duties, liabilities and conditions set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed twenty-five thousand dollars and shall be divided into shares of twenty-five dollars each: *provided*, that said corporation shall not transact any business until at least three thousand dollars shall have been paid in; and *provided*, that no stock shall be issued until the whole amount of said capital stock shall have been paid in, either in cash or property; the value of which property, if any, shall be determined by the commissioner of corporations.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1887.

Chap.248

AN ACT CONCERNING LIMITED PARTNERSHIPS.

Be it enacted, etc., as follows :

Name of a limited partnership.

SECTION 1. A limited partnership which lawfully succeeds to the business of a former firm, and obtains the consent of the members of such firm or their legal representatives to the use of the name of such firm, may adopt and use such name instead of the name prescribed by section three of chapter seventy-five of the Public Statutes.

Special partner may draw interest on amount contributed.

SECTION 2. A special partner may withdraw interest on the capital contributed by him at any rate agreed on not exceeding six per cent. per annum, provided that such withdrawal is out of profits and does not impair the

capital of the partnership, without any liability to refund the same in any event.

SECTION 3. Section seven of chapter seventy-five of the Public Statutes is hereby amended by adding at the end thereof the following: — and no such renewal or continuation shall be made unless the capital contributed by the special partners is equal in amount or more than the aggregate capital the special partners originally contributed, nor unless the certificate of such renewal or continuation contains an additional statement to that effect, and also states the amount contributed at the time of the renewal by each of the special partners.

Amendment to
P. S. 75, § 7.

SECTION 4. Section twelve of said chapter seventy-five of the Public Statutes is hereby amended so as to read as follows: — In all cases in which the provisions of this chapter are not fully complied with, the members of limited partnerships shall be subject to all the liabilities and entitled to all the rights of general partners.

Liability as a
general partner.

SECTION 5. So much of chapter seventy-five of the Public Statutes as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved May 4, 1887.

AN ACT TO AMEND SECTION FIFTY-TWO OF CHAPTER TWENTY-SEVEN OF THE PUBLIC STATUTES RELATIVE TO THE QUALIFICATION OF VOTERS IN TOWN AFFAIRS.

Chap. 249

Be it enacted, etc., as follows:

SECTION 1. Section fifty-two of chapter twenty-seven of the Public Statutes is hereby amended by inserting in the sixth line of said section after the word “affairs” these words: — and who has been duly registered as a voter in said town, — so that said section as amended shall read as follows: — *Section 52.* Every male citizen of twenty-one years of age and upwards, (except paupers, persons under guardianship and persons excluded by article twenty of the amendments to the constitution,) who has resided within the Commonwealth one year, and within the town in which he claims a right to vote six months next preceding a meeting for the transaction of town affairs, and who has been duly registered as a voter in said town, and who has paid by himself or by his parent, master or guardian, a state or county tax assessed upon

Qualification of
voters in town
affairs.
P. S. 27, § 52.

him in any town within two years next preceding such meeting, shall have a right to vote at such town meetings upon all questions concerning town affairs; and no other person shall be entitled to vote at such meeting; but nothing herein contained shall defeat the right of women duly qualified and assessed, to vote for members of school committees.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1887.

Chap.250 AN ACT TO CO-OPERATE WITH THE UNITED STATES IN THE SUPPRESSION AND EXTIRPATION OF PLEURO-PNEUMONIA.

Be it enacted, etc., as follows:

To co-operate with United States authorities for extirpation of pleuro-pneumonia.

SECTION 1. That the governor is hereby authorized to accept on behalf of the state the rules and regulations prepared by the commissioner of agriculture, under and in pursuance of section three of an act of congress approved on the twenty-ninth day of May, in the year eighteen hundred and eighty-four, entitled "an act for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," and to co-operate with the authorities of the United States in the enforcement of the provisions of said act.

Powers of inspectors of the bureau of animal industry of the United States.

SECTION 2. The inspectors of the bureau of animal industry of the United States shall have the right of inspection, quarantine and condemnation of animals affected with any contagious, infectious or communicable disease, or suspected to be so affected, or that have been exposed to any such disease, and for these purposes are hereby authorized and empowered to enter upon any ground or premises. Said inspectors shall have the power to call on sheriffs, constables and peace officers to assist them in the discharge of their duties in carrying out the provisions of the act of congress approved on the twenty-ninth day of May in the year eighteen hundred and eighty-four, establishing the bureau of animal industry; and it is hereby made the duty of sheriffs, constables and peace officers to assist said inspectors when so requested; and said inspectors shall have the same powers.

and protection as peace officers while engaged in the discharge of their duties.

SECTION 3. All expenses of quarantine, condemnation of animals exposed to disease and the expenses of any and all measures that may be used to suppress and extirpate pleuro-pneumonia shall be paid by the United States, and in no case shall this state be liable for any damages or expenses of any kind under the provisions of this act.

Expenses to be paid by the United States.

SECTION 4. This act shall take effect upon its passage.

Approved May 4, 1887.

AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO CONSTRUCT THE CENTRAL MASSACHUSETTS RAILROAD, TO ISSUE ADDITIONAL BONDS AND TO CREATE A SINKING FUND FOR THE PAYMENT THEREOF.

Chap. 251

Be it enacted, etc., as follows:

SECTION 1. The Boston and Lowell Railroad Corporation is hereby authorized to construct, complete and equip or aid in the construction, completion and equipment of the railroad of the Central Massachusetts Railroad Company as located or to be located between North Cambridge and Northampton in this state, and a branch of said railroad over and upon the location of said company, between the town of Palmer and the city of Holyoke in this state, together with depots and other structures connected with said railroad and branch, and to enter into all such contracts relating thereto, as shall be necessary to carry into effect the lease now existing between said Boston and Lowell Railroad Corporation and said Central Massachusetts Railroad Company dated the seventh day of December in the year eighteen hundred and eighty-six. Said railroad and branch and the construction thereof shall be subject to all general laws relating to railroads, and to the laws specially relating to the Central Massachusetts Railroad Company.

The Boston and Lowell Railroad Corporation may construct and equip the Central Massachusetts Railroad.

SECTION 2. Said Boston and Lowell Railroad Corporation may, for the purposes aforesaid, issue its bonds in addition to those authorized to be issued by chapter one hundred and twelve of the Public Statutes and without the issue of stock as therein provided, in such an amount not exceeding two millions of dollars, as may be necessary to provide the means for the construction, completion and equipment of said railroad and branch and the structures

May issue bonds.

connected therewith, and to carry into effect the agreements contained in said lease; the issue of bonds for said purposes shall not affect or restrict the right of said corporation to issue bonds for other uses as now provided by law.

To establish a sinking fund.

SECTION 3. Said Boston and Lowell Railroad Corporation is hereby authorized to establish a sinking fund to provide for the payment when due of the bonds herein authorized to be issued, and for this purpose may pay semi-annually to such trustee as it shall select a sum not exceeding one-half of one per centum of the amount of bonds issued under authority of this act, and said sum together with all accumulations thereon shall be applied to the payment of said bonds at their maturity, and said trustee shall give such bonds and enter into such agreements relating to said sinking fund as shall be required by said corporation for its security. Said fund shall be invested by the trustee, with the approval of the majority of the directors of said corporation in such stock, bonds and securities as savings banks are authorized to purchase under the laws of this state.

Investments.

Disposition of bonds issued by the Central Massachusetts Railroad Company.

SECTION 4. Said Boston and Lowell Railroad Corporation shall hold in its treasury and shall not sell, pledge, transfer or deliver up to any other person the bonds of the Central Massachusetts Railroad Company issued to it in accordance with the terms of the lease aforesaid, except for the purpose of raising money to be used in the payment of the principal of the bonds issued under authority of section two of this act, until such time as the principal and interest of said last mentioned bonds shall have been paid in full.

SECTION 5. This act shall take effect upon its passage.

Approved May 4, 1887.

Chap. 252 AN ACT FOR THE SUPPRESSION OF CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

Be it enacted, etc., as follows:

Boards of health to isolate animals having contagious, etc., diseases.

SECTION 1. The boards of health of cities and towns, in case of the existence in this Commonwealth of the disease called pleuro-pneumonia among cattle, or farcy or glanders among horses, or any other contagious or infectious disease among domestic animals, shall cause the animals which are infected, or which have been exposed to infection in their respective cities and towns,

to be secured or collected in some suitable place or places within their cities or towns, and kept isolated; and when taken from the premises or possession of their owners, the expense of their maintenance shall be paid by the city or town wherein the animal is kept, and four-fifths of such payment, when certified by the treasurer of such city or town, shall be refunded by the Commonwealth; such isolation to continue as long as the existence of such disease or other circumstances may render it necessary.

SECTION 2. They may, within their respective cities and towns, prohibit the departure of animals from any enclosure or exclude animals therefrom, and may appoint agents who shall have power to enforce the prohibitions and regulations for which provision is made in sections three and four of this act.

May appoint agents to enforce regulations.

SECTION 3. They may make regulations in writing to regulate or prohibit the passage from, to or through their respective cities or towns, or from place to place within the same, of any cattle or other domestic animals, and may arrest and detain at the cost of the owners thereof all animals found passing in violation of such regulations; and may take all other necessary measures for the enforcement of such prohibition, and also for preventing the spread of any disease among the animals of their respective cities and towns and the immediate vicinity thereof.

May make regulations.

SECTION 4. Such regulations shall be recorded upon the records of their cities and towns respectively, and shall be published in such cities and towns in such manner as may be provided in such regulations.

Regulations to be recorded upon records of city or town.

SECTION 5. Any person disobeying the orders of the boards of health, made in conformity with section three, or driving or transporting any animals contrary to the regulations made, published and recorded as aforesaid, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.

Penalties.

SECTION 6. Whoever has knowledge of, or has good reason to suspect the existence of a contagious disease among any species of domestic animals in this state, whether such knowledge is obtained by personal examination or otherwise, shall forthwith give notice thereof to the board of health of the city or town where such diseased animals are kept; and for failure so to do shall

Notice to be given of knowledge of contagious diseases.

Penalty.

be punished by a fine not exceeding five hundred dollars, or by imprisonment in jail not exceeding one year.

Board of health to make investigation forthwith upon notice given.

SECTION 7. The board of health of a city or town, having received notice of a suspected case of contagious disease among any of the domestic animals in their city or town, shall forthwith make an examination thereof personally, or by a competent person appointed by them for that purpose, and if satisfied there are good reasons for believing that contagion is present, shall immediately inform the cattle commissioners.

Penalty on town or city for neglect by officers.

SECTION 8. A city or town whose officers refuse or neglect to carry into effect the provisions of the first four and the seventh sections of this act, shall forfeit a sum not exceeding five hundred dollars for each day's neglect.

Board of health may take land and buildings for purpose of isolating diseased animals.

SECTION 9. The boards of health of cities and towns, when in their judgment it is necessary to carry into effect the provisions of this chapter, may within their respective cities and towns take and hold, for a term not exceeding one year, any land, without buildings other than barns thereon, upon which to enclose and isolate any animals; and they shall cause the damage sustained by the owner in consequence of such taking and holding to be appraised by the assessors of the city or town wherein the lands so taken are situated; and they shall further cause a description of such land, setting forth the boundaries thereof, and the area as nearly as may be estimated, together with the said appraisal, to be entered on the records of the city or town. The amount of said appraisement shall be paid as provided in section one, in such sums and at such times as the board of health may order. If the owner of land so taken is dissatisfied with said appraisement he may by action of contract recover of the city or town wherein the lands lie a fair compensation for the damages sustained by him, but no costs shall be taxed unless the damages recovered in such action, exclusive of interest, exceed said appraisement. And the Commonwealth shall reimburse to the city or town four-fifths of any sum recovered of it in any such action.

Damages.

Regulations made by cattle commissioners to supersede those made by boards of health.

SECTION 10. When a board of cattle commissioners, appointed in accordance with the provisions of chapter three hundred and seventy-eight of the acts of the year eighteen hundred and eighty-five, is in existence, and makes and publishes any regulations concerning the extirpation,

cure or treatment of animals infected with, or which have been exposed to any contagious disease, such regulations shall supersede those made by boards of health, and boards of health shall carry out and enforce all orders and directions of said commissioners to them directed.

SECTION 11. Said commissioners shall have all the power and authority herein conferred upon boards of health, and in addition may establish hospitals or quarantines with proper accommodations wherein, under prescribed regulations, animals by them selected may be confined and treated, for the purpose of determining the varying characteristics of and the methods by which a specific contagion may be disseminated or destroyed; and they may direct boards of health to enforce and carry into effect all such regulations as may from time to time be made for that end. And any such officer who refuses or neglects to carry out any such regulation of the commissioners, shall be punished by a fine not exceeding five hundred dollars for every such offence.

Cattle commissioners may establish hospitals or quarantines.

Penalty on officer for neglect to carry out regulations.

SECTION 12. The commissioners, when in their judgment the circumstances of the case and the public good require it, may cause to be killed and buried any domestic animals which are infected with or have been exposed to contagious disease; and except as is provided in the following section shall cause such animals to be appraised by three competent, disinterested men, under oath, at the fair value thereof in their condition at the time of appraisement, and the amount of the appraisement and necessary expense of the same shall be paid as provided in section one.

Cattle commissioners may cause animals to be killed.

Value to be appraised and paid.

SECTION 13. When the commissioners, by an examination of a case of contagious disease among domestic animals, become satisfied that it has been contracted by intention or negligence on the part of the owner, or of a person in his employ, or by his consent, or by the use of food material liable to contain the germs of contagion, they shall cause such animals to be securely isolated at the expense of the owner, or they shall cause them to be killed without appraisal or payment; and in all cases of farey or glanders, the commissioners having condemned the animal infected therewith, shall cause such animal to be killed without an appraisal, but may pay the owner or any other person an equitable sum for the killing and burial thereof.

When disease is contracted through negligence of owner the animal to be killed without appraisal or payment.

Penalty on person failing to comply with regulations.

SECTION 14. A person who fails to comply with a regulation made or an order given by the commissioners in the discharge of their duty, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.

Prosecutions in any county.

SECTION 15. Prosecutions under the preceding section may be maintained in any county.

Appraisements to be in writing and certified.

SECTION 16. All appraisements under this chapter shall be in writing and signed by the appraisers and certified by the boards of health or commissioners, respectively, to the treasurers of the cities and towns where the animals are kept, and forwarded to the auditor of the Commonwealth.

Commissioners may examine persons under oath.

SECTION 17. The commissioners may examine under oath all persons believed to possess knowledge of material facts concerning the existence or dissemination or danger of dissemination of contagious disease among domestic animals; and for this purpose shall have all the powers vested in justices of the peace to take depositions, and to compel witnesses to attend and testify by chapter one hundred and sixty-nine of the Public Statutes. All costs and expenses incurred in procuring the attendance of such witnesses shall be allowed and paid to the commissioners from the treasury of the Commonwealth upon being certified to and approved by the state auditor.

Costs, etc., to be paid from the state treasury.

Carcasses may be sold if in wholesome condition for food.

SECTION 18. When animals exposed to contagious diseases are killed by order of the commissioners, their carcasses may be inspected by the commissioners or a competent, discreet person appointed by them, and if they are found entirely free of disease and in a wholesome condition for food, they may be sold by them or by their order, and the proceeds of the sales shall be applied in payment of the appraised value of said animals.

Commissioners to keep full records of their doings.

SECTION 19. Cattle commissioners now or hereafter appointed shall keep a full record of their doings, and report the same to the legislature on or before the tenth day of January in each year unless sooner required by the governor; and an abstract of the same shall be printed in the annual report of the state board of agriculture.

Animals brought within the state from infected places beyond its boundaries.

SECTION 20. When animals are transported within this state from infected localities beyond its boundary lines, such animals may be seized and quarantined by the commissioners, at the expense of the owners thereof, so long as the public safety may require; and if, in their

judgment, it is necessary to secure that safety they may cause such animals to be killed without appraisal or payment for the same.

SECTION 21. No Texan, Mexican, Cherokee, Indian or other cattle, which the cattle commissioners decide may spread contagious disease shall be driven on the streets of any city, town or village, or on any road in this Commonwealth, nor shall they be driven outside the stock yards connected with any railway in this Commonwealth, between the first day of March and the first day of November.

Certain animals not to be driven on roads, etc., between March first and November first.

SECTION 22. In all stockyards within this Commonwealth said Texan, Mexican, Cherokee, Indian or other cattle, which the cattle commissioners decide may spread contagious disease, shall be kept in different pens from those in which other cattle are kept, from the first day of March until the first day of November.

Certain cattle to be kept in different pens.

SECTION 23. Any person or persons violating any provision of the two preceding sections shall be punished by a fine of not less than twenty nor more than one hundred dollars.

Penalties.

SECTION 24. Chapter ninety of the Public Statutes and chapter one hundred and forty-eight of the acts of the year eighteen hundred and eighty-five are hereby repealed: *provided*, that nothing herein contained shall affect any prosecution pending, or any penalty incurred before this act takes effect.

Repeal.

Approved May 6, 1887.

AN ACT AUTHORIZING THE BOSTON, WINTHROP AND SHORE RAILROAD COMPANY TO DISCONTINUE AND ABANDON A PART OF ITS ROAD.

Chap. 253

Be it enacted, etc., as follows:

SECTION 1. The Boston, Winthrop and Shore Railroad Company is hereby authorized and empowered to discontinue and abandon that portion of its road situated in the town of Revere which lies northerly and westerly of the location of the Boston, Revere Beach and Lynn railroad from a point where the said Boston, Winthrop and Shore railroad crosses the said Boston, Revere Beach and Lynn railroad by a bridge near the junction of Ocean and Atlantic avenues westerly to a point near the Eastern railroad heretofore known as the Pavilion station, and thence northerly to the Point of Pines.

Boston, Winthrop and Shore Railroad Company may discontinue a portion of its road.

Assessment of damages.

SECTION 2. All persons who shall sustain any damage in their property by said discontinuance and abandonment shall have such damage assessed in the same manner as is provided by law in relation to damages occasioned by the laying out and maintaining of railroads.

Notice of intention to discontinue to be filed in office of clerk of commissioners.

SECTION 3. The said Boston, Winthrop and Shore Railroad Company whenever it intends to discontinue and abandon said portion of its railroad shall file in the office of the clerk of the railroad commissioners a statement of its intention and said statement so filed shall be conclusive evidence of such discontinuance and abandonment.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1887.

Chap. 254 AN ACT TO INCORPORATE THE DOUGLAS LAND COMPANY IN THE TOWN OF WEBSTER.

Be it enacted, etc., as follows:

Douglas Land Company incorporated.

SECTION 1. Edwin Moore, William Abbott, Aaron F. Jones, Albert Butler, George L. Southwick, Herbert N. Logee, their associates and successors, are hereby made a corporation for the term of thirty years from the date of the passage of this act, by the name of the Douglas Land Company, for the purpose of purchasing, selling, leasing and improving real estate in the town of Webster to an amount not exceeding in value ten thousand dollars, and performing such other legal acts as may be necessary in accomplishing said objects, with all the powers and privileges and subject to all the duties, liabilities and conditions set forth in all general laws which now are or hereafter may be in force and applicable to such corporations.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed ten thousand dollars, and shall be divided into shares of twenty-five dollars each: *provided*, that said corporation shall not transact any business until at least fifteen hundred dollars shall have been paid in in cash; and *provided, further*, that no stock shall be issued until the whole amount of said capital stock shall have been paid in either in cash or property; the value of which property, if any, shall be determined by the commissioner of corporations.

Provisos.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1887.

AN ACT TO CHANGE THE NAME OF THE FAITH CHAPEL SOCIETY. *Chap.255**Be it enacted, etc., as follows:*

SECTION 1. The name of the Faith Chapel Society, a Name changed. religious corporation duly established by law at Lowell, in the county of Middlesex, in the Commonwealth of Massachusetts, is hereby changed to Chelmsford Street Free Baptist Society.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1887.*AN ACT TO INCREASE THE DISTRICT POLICE FORCE. *Chap.256**Be it enacted, etc., as follows:*

SECTION 1. The governor may appoint two district Additional dis- police officers in addition to the number now authorized by chapter one hundred and three of the Public Statutes and chapter one hundred and thirty-one of the acts of the year eighteen hundred and eighty-five: *provided*, that the whole district police force shall not exceed twenty-two men.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1887.*AN ACT TO CHANGE THE NAME OF THE STONEHAM STREET RAILROAD COMPANY AND TO EXTEND THE TIME FOR THE LOCATION THEREOF IN THE TOWNS OF READING, EVERETT AND REVERE. *Chap.257**Be it enacted, etc., as follows:*

SECTION 1. The name of the Stoneham Street Rail- Name changed. road Company is hereby changed to the East Middlesex Street Railway Company.

SECTION 2. The time within which the said corpora- Time for loca- tion must locate, construct and put in operation a street tion and con- railway in the towns of Reading, Everett and Revere in struction order to avail itself of the authority heretofore granted extended. to construct, maintain and use a street railway in said towns, is hereby extended to the thirty-first day of December, in the year eighteen hundred and eighty-nine.

SECTION 3. Said East Middlesex Street Railway Com- Powers and duties. pany shall have all the powers and privileges and shall be subject to all the duties, liabilities and restrictions set forth in chapter nineteen of the acts of the year eighteen hundred and sixty and in all acts in amendment thereof.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1887.

Chap.258 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TIDE-
WATERS OF THE TOWNS OF EASTHAM AND WELLFLEET.

Be it enacted, etc., as follows:

Boundary line
established.

SECTION 1. The boundary line between the tide-waters of the towns of Eastham and Wellfleet, on the Massachusetts Bay side, shall be as follows: Beginning at the stone monument marked E. and W., erected at the mouth of Indian Brook, and running south seventy-nine degrees twenty-five minutes west, to the exterior line of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1887.

Chap.259 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT REGISTER
OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The annual salary of the assistant register of probate and insolvency for the county of Middlesex shall be eighteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1887.

Chap.260 AN ACT TO CONFIRM THE PROCEEDINGS OF THE LAST ANNUAL
MEETING OF THE TOWN OF TISBURY.

Be it enacted, etc., as follows:

Proceedings of
town meeting
confirmed.

SECTION 1. The proceedings of the last annual meeting of the town of Tisbury shall not be invalid for the reason that the check list was not used in the election of the moderator of said meeting; and the election of town officers and other doings of said meeting are hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1887.

Chap.261 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS
OF SCITUATE AND MARSHFIELD.

Be it enacted, etc., as follows:

Boundary line
established.

SECTION 1. The main channel of North River from its mouth to the upper or southwesterly corner of the town of Scituate is hereby made the boundary line between the towns of Scituate and Marshfield.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1887.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO ENLARGE AND IMPROVE THE JAIL AT NEWBURYPORT. *Chap.262*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized to enlarge and improve the jail at Newburyport, in said county, and to expend therefor a sum not exceeding ten thousand dollars. Jail in Newburyport may be enlarged.

SECTION 2. No expenditure shall be made by said commissioners, under the provisions of this act, until the plans for such enlargement and improvement shall have been approved by the board of commissioners of prisons. Plans to be approved by commissioners of prisons.

SECTION 3. This act shall take effect upon its passage.
Approved May 11, 1887.

AN ACT TO MAKE THE FIRST MONDAY OF SEPTEMBER, KNOWN AS LABOR'S HOLIDAY, A LEGAL HOLIDAY. *Chap.263*

Be it enacted, etc., as follows:

SECTION 1. The first Monday of September in each year, being the day celebrated and known as Labor's Holiday, is hereby made a legal public holiday, to all intents and purposes, in the same manner as Thanksgiving, Fast and Christmas days, the twenty-second of February, the thirtieth day of May and the fourth day of July, are now by law made public holidays. The first Monday of September made a legal holiday.

SECTION 2. This act shall take effect upon its passage.
Approved May 11, 1887.

AN ACT TO CHANGE THE NAME OF THE STATE WORKHOUSE AT BRIDGEWATER. *Chap.264*

Be it enacted, etc., as follows:

SECTION 1. The name of the State Workhouse at Bridgewater is hereby changed to the State Farm at Bridgewater. Name changed.

SECTION 2. This act shall take effect upon its passage.
Approved May 11, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF SOMERVILLE. *Chap.265*

Be it enacted, etc., as follows:

SECTION 1. The clerk of the police court of Somerville shall receive an annual salary of one thousand dollars. Salary established.

SECTION 2. This act shall take effect upon its passage.
Approved May 11, 1887.

Chap.266 AN ACT TO AMEND SECTION FIFTY-ONE OF CHAPTER EIGHTY-NINE OF THE PUBLIC STATUTES RELATIVE TO GIVING NOTICE TO THE OVERSEERS OF THE POOR OF CITIES AND TOWNS, OF COMMITMENTS TO THE INDUSTRIAL OR REFORM SCHOOL.

Be it enacted, etc., as follows :

Notice to be given to overseers by the state board of lunacy and charity.
P. S. 89, § 51.

SECTION 1. Section fifty-one of chapter eighty-nine of the Public Statutes is hereby amended so as to read as follows : — When a person having a settlement in this Commonwealth is committed to the state industrial school or the Lyman school for boys, the state board of lunacy and charity shall give written notice thereof to the overseers of the poor of the town or city of settlement, which town or city shall pay for his support in such school one dollar a week from the date of such notice, to be paid to or recovered by the treasurer of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1887.

Chap.267 AN ACT TO AMEND AN ACT TO ESTABLISH A BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows :

Amendment to 1885, 313, § 3.

SECTION 1. Section three of chapter three hundred and thirteen of the acts of eighteen hundred and eighty-five is hereby repealed ; but such repeal shall not impair or affect the rights and privileges of any person hitherto registered as a pharmacist under the provisions of said section.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1887.

Chap.268 AN ACT TO AUTHORIZE THE BOSTON AND ALBANY RAILROAD COMPANY TO MAKE A NEW LOCATION OF ITS RAILROAD IN THE TOWN OF NATICK.

Be it enacted, etc., as follows :

May make a new location of road in Natick.

SECTION 1. The Boston and Albany Railroad Company may make a new location of its railroad in the town of Natick between the nineteenth and the eighteenth mile-posts in the original location of the Boston and Worcester railroad, said new location to be generally northerly of said original location, and to extend across the southerly part of Lake Cochituate. The centre or base line of said new location is described as follows : — Beginning

at a stone monument set in the ground at a point in the present base line of location distant about nine hundred and eleven feet easterly from the nineteenth mile-post; thence running northeasterly, easterly and southeasterly by a line curving to the south with a radius of two thousand eight hundred and sixty-four and ninety-three one-hundredths feet, about nine hundred and ninety-five feet to a stone bound set in the ground; thence running south seventy-four degrees and forty-one minutes east about five hundred and eighty-two feet to a stone monument set in the ground; thence running southeasterly, easterly and northeasterly by a line curving to the north with a radius of two thousand eight hundred and sixty-four and ninety-three one-hundredths feet about sixteen hundred and sixty-eight feet to a stone monument set in the ground at a point in the present base line of location distant about ten hundred and forty-nine feet westerly from the eighteenth mile-post. Said new location shall be filed within one year and the road built within two years from the passage of this act.

SECTION 2. In building its road upon the location hereinbefore provided for, the said railroad company shall build and maintain its embankment at a height of not less than five and one-half feet above the dam at the outlet of Lake Cochituate.

Height of embankment at outlet of Lake Cochituate.

SECTION 3. In case the parties in interest cannot agree on the damages for taking land on the location herein provided for, the same shall be settled in the manner provided for in chapter one hundred and twelve of the Public Statutes, and the damages to the city of Boston may be settled by agreement between the Boston and Albany Railroad Company and the Boston Water Board.

Damages.

SECTION 4. This act shall take effect upon its passage.

Approved May 12, 1887.

AN ACT TO AMEND AN ACT TO PROVIDE FOR A STATE BOARD OF ARBITRATION FOR THE SETTLEMENT OF DIFFERENCES BETWEEN EMPLOYERS AND THEIR EMPLOYEES.

Chap. 269

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-six is hereby amended so as to read as follows: —
Section 1. The governor, with the advice and consent of

State board of arbitration and conciliation, 1886, 263, § 1.

the council, shall, on or before the first day of July in the year eighteen hundred and eighty-six, appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be selected from some labor organization and not an employer of labor, the third shall be appointed upon the recommendation of the other two: *provided, however,* that if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the governor. They shall hold office for one year or until their successors are appointed. On the first day of July in the year eighteen hundred and eighty-seven the governor, with the advice and consent of the council, shall appoint three members of said board in the manner above provided, one to serve for three years, one for two years and one for one year, or until their respective successors are appointed; and on the first day of July in each year thereafter the governor shall in the same manner appoint one member of said board to succeed the member whose term then expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occurs at any time, the governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their number as chairman. Said board shall choose one of its members as secretary, and may also appoint and remove a clerk of the board, who shall receive such salary as may be allowed by the board, but not exceeding nine hundred dollars a year.

Vacancies.

Secretary.

SECTION 2. Section three of said chapter is hereby amended by striking out the word "clerk" in the sixteenth line and inserting in place thereof the word: — secretary.

Amendment to
1886, 263, § 4.

SECTION 3. Section four of said chapter is hereby amended so as to read as follows: — *Section 4.* Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall con-

tain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lock-out or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative in the departments of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summonses may be signed and oaths administered by any member of the board.

SECTION 4. Section seven of said chapter is hereby repealed and the following section inserted in place thereof:—*Section 7.* The parties to any controversy or difference as described in section three of this act may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to

Repeal of 1886,
263, § 7, and
new section
substituted.

the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or town in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the mayor of such city or the board of selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of a city or the board of selectmen of a town that a strike or lock-out such as described in section eight of this act is seriously threatened or actually occurs, the mayor of such city or the board of selectmen of such town shall at once notify the state board of the facts.

Repeal of 1886,
263, § 8, and new
sections substi-
tuted.

SECTION 5. Section eight of said chapter is hereby repealed and the following sections inserted in place thereof:— *Section 8.* Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the board of selectmen of a town, as provided in the preceding section or otherwise, that a strike or lock-out is seriously threatened or has actually occurred in any city or town of the Commonwealth, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lock-out was employing not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, provided that a strike or lock-out has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly

responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section three of this act. *Section 9.* Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the Commonwealth as provided for in chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four. *Section 10.* The members of said state board shall until the first day of July in the year eighteen hundred and eighty-seven be paid five dollars a day each for each day of actual service; and on and after said date they shall each receive a salary at the rate of two thousand dollars a year, to be paid out of the treasury of the Commonwealth, and both before and after said date they shall be allowed their necessary travelling and other expenses, which shall be paid out of the treasury of the Commonwealth.

Fees of witnesses.

Compensation of board.

SECTION 6. This act shall take effect upon its passage.

Approved May 14, 1887.

AN ACT TO EXTEND AND REGULATE THE LIABILITY OF EMPLOYERS TO MAKE COMPENSATION FOR PERSONAL INJURIES SUFFERED BY EMPLOYEES IN THEIR SERVICE.

Chap. 270

Be it enacted, etc., as follows:

SECTION 1. Where, after the passage of this act, personal injury is caused to an employee, who is himself in the exercise of due care and diligence at the time:—

Liability of employers for personal injuries suffered by employees in their service.

(1) By reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and entrusted by him with the duty of seeing

that the ways, works or machinery were in proper condition ; or

(2) By reason of the negligence of any person in the service of the employer, entrusted with and exercising superintendence, whose sole or principal duty is that of superintendence.

(3) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad, the employee, or in case the injury results in death the legal representatives of such employee, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer, nor engaged in its work.

Liability where
an employee is
instantly killed,
etc.

SECTION 2. Where an employee is instantly killed or dies without conscious suffering, as the result of the negligence of an employer, or of the negligence of any person for whose negligence the employer is liable under the provisions of this act, the widow of the deceased, or in case there is no widow, the next of kin, provided that such next of kin were at the time of the death of such employee dependent upon the wages of such employee for support, may maintain an action for damages therefor and may recover in the same manner, to the same extent, as if the death of the deceased had not been instantaneous, or as if the deceased had consciously suffered.

Amount of com-
pensation
receivable
under this act.

SECTION 3. The amount of compensation receivable under this act in cases of personal injury shall not exceed the sum of four thousand dollars. In case of death, compensation in lieu thereof may be recovered in not less than five hundred and not more than five thousand dollars, to be assessed with reference to the degree of culpability of the employer herein, or the person for whose negligence he is made liable ; and no action for the recovery of compensation for injury or death under this act shall be maintained, unless notice of the time, place and cause of the injury is given to the employer within thirty days, and the action is commenced within one year, from the occurrence of the accident causing the injury or death. But no notice given under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the

injury: *provided*, it is shown that there was no intention to mislead, and that the party entitled to notice was not in fact misled thereby.

SECTION 4. Whenever an employer enters into a contract, either written or verbal, with an independent contractor to do part of such employer's work, or whenever such contractor enters into a contract with a sub-contractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or sub-contract shall not bar the liability of the employer for injuries to the employees of such contractor or sub-contractor, by reason of any defect in the condition of the ways, works, machinery or plant, if they are the property of the employer, or furnished by him, and if such defect arose or had not been discovered or remedied, through the negligence of the employer or of some person entrusted by him with the duty of seeing that they were in proper condition.

Liability of employer to employee of a contractor or sub-contractor.

SECTION 5. An employee or his legal representatives shall not be entitled under this act to any right of compensation or remedy against his employer in any case where such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer, who had entrusted to him some general superintendence.

Employer not liable, if employee knew of defect which caused accident and failed to give notice thereof.

SECTION 6. Any employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under this act, or to any relief society formed under chapter two hundred and forty-four of the acts of the year eighteen hundred and eighty-two, as authorized by chapter one hundred and twenty-five of the acts of the year eighteen hundred and eighty-six, may prove, in mitigation of the damages recoverable by an employee under this act, such proportion of the pecuniary benefit which has been received by such employee from any such fund or society on account of such contribution of said employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto.

Compensation where employer has contributed to an insurance fund for benefit of employees.

Not to apply to injuries to domestic servants, etc., by other fellow employees.

SECTION 7. This act shall not apply to injuries caused to domestic servants, or farm laborers, by other fellow employees, and shall take effect on the first day of September, eighteen hundred and eighty-seven.

Approved May 14, 1887.

Chap. 271

AN ACT TO AMEND AN ACT TO INCORPORATE THE SPENCER WATER COMPANY.

Be it enacted, etc., as follows:

Spencer Water Company.

SECTION 1. Section ten of chapter one hundred and nineteen of the acts of the year eighteen hundred and eighty-two is hereby amended so as to read as follows: — This act shall be null and void unless the said corporation, or its assigns, shall within seven years from the passage hereof avail themselves of its provisions and commence a prosecution of the work herein authorized.

Town of Spencer to cause to be recorded in the registry of deeds a description of land, etc., heretofore or hereafter taken.

SECTION 2. The town of Spencer, to which the Spencer Water Company has assigned all its corporate property and all its rights and privileges, may, within sixty days after the passage of this act, file and cause to be recorded in the Worcester district registry of deeds a description of any land heretofore taken by said corporation or its assigns, or by either of them, under the provisions of chapter one hundred and nineteen of the acts of the year eighteen hundred and eighty-two; and if said town shall hereafter take any land under the provisions of the above act, said town shall, within sixty days after taking said land, file and cause to be recorded in said registry of deeds a description of the land so taken; said description shall in each case be sufficiently accurate for identification and be accompanied by a statement of the purposes for which the land was taken; and said town shall also notify the owner of any such land of the taking thereof, and the title of the land so taken shall then vest in said town.

Damages.

SECTION 3. Any person injured in property by the act of said corporation, or its assigns, who has not already received from said corporation, or its assigns, the amount of damages agreed upon or assessed under the provisions of said chapter, and who fails to agree with said corporation, or its assigns, as to the amount of damages, may have the same assessed and determined as provided in

said chapter, upon application at any time within two years from the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved May 14, 1887.

AN ACT TO FACILITATE VOTING BY EMPLOYEES.

Chap. 272

Be it enacted, etc., as follows:

SECTION 1. No person entitled to vote at a state or national election shall be employed upon the day on which any state or national election occurs, in any manufacturing, mechanical or mercantile establishment in this Commonwealth, except such establishment as may lawfully conduct its business on the Lord's day, during the period of two hours after the opening of the polls in the town, ward or precinct in which such person is entitled to vote: *provided*, such person shall make application for leave of absence during such time.

Time to be allowed for voting of employees in manufacturing, etc., establishments.

SECTION 2. Every owner, superintendent or overseer in any such establishment who employs or permits to be employed any person in violation of the preceding section shall forfeit not less than twenty nor more than fifty dollars for each offence.

Penalty.

Approved May 14, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF ESSEX.

Chap. 273

Be it enacted, etc., as follows:

SECTION 1. The annual salary of the assistant register of probate and insolvency for the county of Essex shall be eighteen hundred dollars.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1887.

AN ACT PROVIDING FOR A CLERK FOR THE MUNICIPAL COURT OF THE WEST ROXBURY DISTRICT OF THE CITY OF BOSTON.

Chap. 274

Be it enacted, etc., as follows:

SECTION 1. There shall be a clerk of the municipal court of the West Roxbury district of the city of Boston, who shall be appointed in accordance with the provisions of law relating to the appointment of clerks of police and district courts, who shall enter upon his duties on the first day of June in the year eighteen hundred and eighty-seven.

Clerk to be appointed.

Salary.

SECTION 2. Said clerk shall receive from the county of Suffolk an annual salary of five hundred dollars.

Subject to law governing clerks of police, etc., courts.

SECTION 3. Said clerk shall be subject to all the provisions of law applicable to clerks of police and district courts.

SECTION 4. This act shall take effect upon its passage.

Approved May 14, 1887.

Chap. 275 AN ACT TO INCORPORATE THE PLEASANT VALLEY WATER COMPANY.

Be it enacted, etc., as follows:

Pleasant Valley Water Company incorporated.

SECTION 1. Elizar Smith, Wellington Smith and DeWitt S. Smith of the town of Lee, their associates and successors are hereby made a corporation by the name of The Pleasant Valley Water Company, for the purpose of furnishing the inhabitants of the village of Pleasant Valley, situated partly in said town of Lee and partly in the adjoining town of Lenox, with water for the extinguishment of fires and for domestic, sanitary and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take waters of a pond and of Sedgwick brook.

SECTION 2. The said corporation, for the purposes aforesaid may take by purchase or otherwise and hold the waters of a certain pond on land of the Smith Paper Company and the water of Sedgwick brook, so called, tributary to said pond within the limits of the town of Lenox and the water rights connected with any such sources, and also all lands, rights of way and easements necessary for holding and preserving such water and conveying the same to any part of said above described village; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this

act, said corporation may dig up such lands and, under the direction of the board of selectmen of the town in which such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May dig up lands under direction of selectmen.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

To record in the registry of deeds within sixty days a description of the land, etc., taken.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act who fails to agree with said corporation as to the amount of damages sustained may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation, under the authority of this act.

Corporation to pay all damages.

SECTION 5. The said corporation may distribute water through said village of Pleasant Valley, may regulate the use of said water, and fix and collect rates to be paid for the use of the same, and may make such contracts with any individual or corporation to supply water for the extinguishment of fire or for other purposes as may be agreed upon by any individual or corporation and said corporation.

May regulate use of water and fix and collect water rates.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount two thousand dollars; and the whole capital

Real estate and capital stock.

stock of said corporation shall not exceed four thousand dollars, to be divided into shares of one hundred dollars each.

Penalties for corrupting water or injuring property.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Work to be commenced within three years.

SECTION 8. This act shall take effect upon its passage, but shall become void unless work under said act is commenced within three years from the date of its passage.

Approved May 16, 1887.

Chap. 276

AN ACT TO FURTHER AMEND SECTION TWENTY-THREE OF CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC STATUTES IN RELATION TO THE AUTHORITY OF INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

Be it enacted, etc., as follows:

Inspectors of factories, etc. Amendment to P. S. 104, § 23.

SECTION 1. Section twenty-three of chapter one hundred and four of the Public Statutes is hereby amended so as to read as follows: — The authority of the inspectors mentioned in section thirteen of this chapter to enforce the provisions of sections fourteen to twenty-two inclusive shall not extend to the city of Boston.

Repeal.

SECTION 2. Chapter two hundred and nineteen of the acts of the year eighteen hundred and eighty-seven is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1887.

Chap. 277

AN ACT TO ENABLE PUBLIC WAREHOUSEMEN TO COLLECT THEIR CHARGES UPON PROPERTY DEPOSITED WITH THEM BY THE SALE THEREOF.

Be it enacted, etc., as follows:

Collection of charges for storage by public warehousemen.

SECTION 1. Every public warehouseman, who shall have in his possession any property by virtue of any agreement or warehouse receipt for the storage of the

same, on which a claim for storage is at least one year overdue, may proceed to sell the same at public auction, and out of the proceeds may retain the charges for storage of said goods, wares and merchandise, and any advances that may have been made thereon by him or them, and the expense of advertising and sale thereof; but no sale shall be made until after the giving of a printed or written notice of such sale to the person or persons in whose name such goods, wares and merchandise were stored, requiring him, her or them, naming them, to pay the arrears or amount due for such storage, and in case of default in so doing that such goods, wares and merchandise will be sold to pay the same, at a time and place to be specified in such notice.

Notice to be given of intention of sale.

SECTION 2. The notice required by the last preceding section shall be served by delivering it to the person storing the same, or by leaving it at his usual place of abode, if within the Commonwealth, at least sixty days before the time of such sale, and a return of the service shall be made by some officer authorized to serve civil process, or by some other person, with an affidavit of the truth of the return. If the party storing such goods cannot with reasonable diligence be found within the Commonwealth of Massachusetts, then such notice shall be given by publication once in each week for three successive weeks the last publication to be at least thirty days before the time of such sale, in a newspaper published in the city or town where such warehouse is located, or if there is no such paper, in one of the principal newspapers published in the county in which said city or town is located. In the event that the party storing such goods shall have parted with the same, and the purchaser shall have notified the warehouseman, with his address, such notice shall be given to such person in lieu of the person storing the goods.

SECTION 3. Such warehouseman shall make an entry, in a book kept for that purpose, of the balance or surplus of the proceeds of the sale, if any, and such balance or surplus shall be paid over to such person or persons entitled thereto on demand; and if such balance or surplus is not called for or claimed by said party or owner of said property within six months after such sale, such balance or surplus shall be paid by such warehouseman to the treasurer of the Commonwealth, who shall pay

Warehouseman to enter in a book surplus of proceeds of sale and pay the same into the treasury of the Commonwealth.

the same to the parties entitled thereto, if called for or claimed by the rightful owner within five years after the receipt thereof; and such warehouseman shall, at the same time, file with said treasurer an affidavit, in which shall be stated the name and place of residence, so far as the same are known, of the person whose property has been sold, the articles sold and the prices at which they were sold, the name and residence of the auctioneer making the sale, together with a copy of the notice served or published, and how served. Such notice and affidavit, when filed as above provided, shall be admitted as evidence of the giving of the notice. *Approved May 16, 1887.*

Chap. 278 AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO ACQUIRE THE FRANCHISES AND PROPERTY OF THE MYSTIC RIVER CORPORATION, THE OCEAN TERMINAL RAILROAD COMPANY, AND THE OCEAN TERMINAL RAILROAD DOCK AND ELEVATOR COMPANY.

Be it enacted, etc., as follows:

Boston and Lowell Railroad Corporation may purchase property, etc., of the Mystic River Corporation, etc.

SECTION 1. The Boston and Lowell Railroad Corporation, for the purposes and upon the terms and conditions set forth in this act, may acquire by purchase at any time before the first day of July in the year eighteen hundred and eighty-eight the lands, wharves, piers, docks, rights, privileges, franchises and other property of the Mystic River Corporation, the Ocean Terminal Railroad Company, and the Ocean Terminal Railroad Dock and Elevator Company, and the three last named corporations may severally sell and convey the same within the time aforesaid to said first named corporation, upon terms agreed by the directors of said corporations respectively. The Boston and Lowell Railroad Corporation shall be subject, in respect to the property, rights, privileges and franchises so acquired, to all the duties, liabilities and restrictions to which the corporations transferring the same are severally subject at the time of the transfer, and may hold, improve, use and enjoy the same for the purposes, and shall have in respect thereto the powers and privileges, authorized and provided in the general laws relating to railroad corporations: *provided, however,* that said Boston and Lowell Railroad Corporation shall not hereafter lay or maintain any railroad tracks across Chelsea bridge or Chelsea bridge avenue, from the property acquired under this act, in addition to those

Proviso.

already laid, without first obtaining the consent of the boards of aldermen of the cities of Boston and Chelsea, and of the board of railroad commissioners, after such public notice and hearing as said boards shall order. The present location of the Ocean Terminal Railroad Company is hereby confirmed, and the time for completing its railroad is hereby extended to the first day of July, eighteen hundred and eighty-eight.

SECTION 2. In case of the transfer as aforesaid of the property, rights, privileges and franchises of the Mystic River Corporation, including the rights which have been granted by the Commonwealth to that corporation in and to the lands and flats lying between the north and south channels of Mystic river in the city of Boston, nothing in this act shall be construed as in any manner relieving the Boston and Lowell Railroad Corporation from any condition, limitation, duty or obligation imposed on said Mystic River Corporation by the provisions of the several acts relating and applicable to that corporation, in respect to the time, place, extent and manner of enclosing, filling, excavating and otherwise improving said lands and flats and the channels, shoals and flats adjacent thereto; but the said Boston and Lowell Railroad Corporation, its successors and assigns, shall acquire, hold and improve the said property, rights, privileges and franchises subject to all of the said conditions and limitations, and shall be deemed and held to have assumed all of the said duties and obligations which, at the time of the transfer, rest on the said Mystic River Corporation.

Boston and Lowell Railroad Corporation not relieved of obligations imposed upon Mystic River Corporation.

SECTION 3. The said Mystic River Corporation, Ocean Terminal Railroad Company, and Ocean Terminal Railroad Dock and Elevator Company, upon the conveyance of their property, rights, privileges and franchises as aforesaid, shall severally cease to exist as corporations, subject, however, to the provisions of section forty-one of chapter one hundred and five of the Public Statutes.

Mystic River Corporation, etc., to cease to exist upon conveyance of property.

SECTION 4. The Boston and Lowell Railroad Corporation may increase its capital stock by such amount, not to exceed three hundred and fifty thousand dollars, as may be necessary to carry into effect the provisions of this act, subject to the provisions of the general laws applicable to such increase.

Boston and Lowell Railroad Corporation may increase capital stock.

SECTION 5. This act shall take effect upon its passage.

Approved May 16, 1887.

Chap. 279 AN ACT TO PROVIDE FOR THE RE-LOCATION OF THE DRAW IN THE BRIDGE OF THE PLUM ISLAND TURNPIKE AND BRIDGE CORPORATION ACROSS PLUM ISLAND RIVER IN THE TOWN OF NEWBURY.

Be it enacted, etc., as follows :

Draw to be built in bridge across Plum Island river in Newbury.

Subject to approval of harbor and land commissioners.

Present draw may be discontinued.

SECTION 1. The Plum Island Turnpike and Bridge Corporation shall forthwith build and maintain a draw, with a clear opening of not less than thirty feet in width, in its bridge across Plum island river in the town of Newbury, in such new location, with reference to the present deep channel of said river, as will best accommodate the navigation thereof. The plans for the location and construction of said draw and its appurtenances shall be subject to the approval of the board of harbor and land commissioners before the work is begun. Said draw shall be suitably lighted at night, and shall be raised whenever necessary for the passage of vessels and boats free of toll through the same.

SECTION 2. Said corporation may, upon building the draw required by the preceding section, discontinue its present draw in said bridge.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1887.

Chap. 280 AN ACT TO AMEND SECTION FOUR OF CHAPTER SEVENTY-FOUR OF THE PUBLIC STATUTES IN RELATION TO THE EMPLOYMENT OF MINORS AND WOMEN IN MANUFACTURING AND MECHANICAL ESTABLISHMENTS.

Be it enacted, etc., as follows :

Hours of labor for minors and women in manufacturing and mechanical establishments.

SECTION 1. Section four of chapter seventy-four of the Public Statutes is hereby amended in the third, fourth and fifth lines of said section by striking out the words "when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery," and by inserting in place thereof the words : — as hereinafter provided in this section, — in the eleventh line of said section after the word "week" by inserting the words : — the hours of commencing and stopping such work, and the hours when the time or times allowed for dinner or for other meals begins and ends, or in the case of establishments exempted from the provisions of chapter two hundred and fifteen of the acts of the year eighteen hun-

dred and eighty-seven, the time, if any, allowed for dinner and for other meals; the printed form of such notice shall be furnished by the chief of the district police, and shall be approved by the attorney-general, — and at the end of said section after the word “employment” by adding the following: — But no stopping of machinery for a shorter continuous time than thirty minutes shall authorize such over time employment, nor shall any such stopping authorize such employment unless or until a written report of the day and hour of its occurrence, with its duration, is sent to the chief of the district police or to the inspector of factories for the district. Any person who makes a false report of such stopping of machinery shall be punished by fine of not less than fifty nor more than one hundred dollars, — so that the said section as amended hereby and by chapter one hundred and fifty-seven of the acts of the year eighteen hundred and eighty-three and by section four of chapter two hundred and seventy-five of the acts of the year eighteen hundred and eighty-four shall read as follows: — No minor under eighteen years of age and no woman shall be employed in laboring in any manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day’s work for one day of the week; and in no case shall the hours of labor exceed sixty in a week. Every employer shall post in a conspicuous place in every room where such persons are employed a printed notice stating the number of hours’ work required of them on each day of the week, the hours of commencing and stopping such work, and the hours when the time or times allowed for dinner or for other meals begins and ends, or in the case of establishments exempted from the provisions of chapter two hundred and fifteen of the acts of the year eighteen hundred and eighty-seven, the time, if any, allowed for dinner and for other meals; the printed form of such notice shall be furnished by the chief of the district police, and shall be approved by the attorney-general; and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this section, unless it appears that such employment is to make up for time lost on some previous day of the same week in consequence of the stopping of machinery

Notice to be posted, in every room, of number of hours of labor required.

upon which such person was employed or dependent for employment. But no stopping of machinery for a shorter continuous time than thirty minutes shall authorize such over time employment, nor shall any such stopping authorize such employment unless or until a written report of the day and hour of its occurrence, with its duration, is sent to the chief of the district police or to the inspector of factories for the district. Any person who makes a false report of such stopping of machinery shall be punished by fine of not less than fifty nor more than one hundred dollars. If any minor under eighteen years of age, or any woman, shall, without the orders, consent or knowledge of the employer, or of any superintendent, overseer, or other agent of the employer, labor in a manufacturing or mechanical establishment during any part of any time allowed for dinner or for other meals in such establishment, according to the notice above mentioned, and if a copy of such notice was posted in a conspicuous place in the room where such labor took place, together with a rule of the establishment forbidding such minor or woman to labor during such time, then neither the employer, nor any superintendent, overseer, or other agent of the employer, shall be held responsible for such employment.

Penalty for making false report.

Repeal.

SECTION 2. Chapter ninety of the acts of the year eighteen hundred and eighty-six is hereby repealed.

Approved May 17, 1887.

Chap. 281 AN ACT TO AMEND SECTION ONE OF CHAPTER ONE HUNDRED AND SEVENTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FIVE, RELATING TO THE MUNICIPAL DEBT OF AND RATE OF TAXATION IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Limit of taxation in the city of Boston.

SECTION 1. Section one of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-five is hereby amended by inserting after the word "tax" in the second line, the words:— and county tax not exceeding four hundred and twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1887.

AN ACT IN FURTHER AMENDMENT OF AN ACT TO AUTHORIZE THE
CITIES OF BOSTON AND CAMBRIDGE TO CONSTRUCT AND MAINTAIN
A BRIDGE OVER CHARLES RIVER. *Chap. 282*

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Boston for the time being, the mayor of the city of Cambridge for the time being, and one discreet person to be appointed by them, who shall hold his office until removed by the concurrent action of both of said mayors, shall constitute a board of commissioners, and in case said mayors fail to appoint said third commissioner, upon the request of either of them, the governor by and with the advice and consent of the council shall appoint said third commissioner, and said board is hereby authorized and required to construct a bridge and avenue across Charles river, between West Chester park, in Boston, and Front street extended, in Cambridge, substantially in accordance with plans prepared by the city engineer of the city of Boston, dated December, eighteen hundred and eighty-four, and approved by the city councils of said cities; subject, however, to the approval of said plans by the board of harbor and land commissioners, and subject to the provisions of chapter one hundred and fifty-five of the acts of the year eighteen hundred and eighty-two, and chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-five, except so far as said acts are modified by this act; and it shall be the duty of each of said cities to raise and, upon the requisition of said commissioners, to pay one-half of the expenses incurred in building said bridge and avenue between the harbor lines as now established by law on said river, including the draw and draw-piers.

Bridge across
Charles river
between Cam-
bridge and
Boston.

SECTION 2. The city of Boston, in order to defray its share of the cost of building said bridge, is authorized to raise not exceeding two hundred and fifty thousand dollars, by loan, in excess of the limit prescribed by law.

Boston may
borrow money
in excess of
limit allowed
by law.

SECTION 3. Said commissioners, with the approval of the boards of aldermen of the two cities, and of the board of harbor and land commissioners, and subject to the provisions of chapter one hundred and fifty-five of the acts of the year eighteen hundred and eighty-two, may change, alter and modify the plans of said bridge.

Plans of bridge
may be
changed.

SECTION 4. The boards of aldermen of said cities may by concurrent vote authorize the running of street cars

Running of
street cars over
bridge.

over said bridge, and may set apart a portion of said bridge for the special use of street cars on such conditions, and subject to such regulations as said boards may adopt.

SECTION 5. This act shall take effect upon its passage.

Approved May 18, 1887.

Chap. 283

AN ACT CONCERNING TAXATION OF INSURANCE COMPANIES.

Be it enacted, etc., as follows :

Taxation of
insurance
companies.
Amendment to
P. S. 13, § 26.

SECTION 1. Section twenty-six of chapter thirteen of the Public Statutes is amended to read as follows:—
Section 26. Every such corporation shall, annually, on or before the tenth day of May, make a return to the tax commissioner, signed and sworn to by its president and secretary, giving the number, date, and class of the policies so held, the age of the assured life, and the aggregate net value of each group requiring a separate computation to determine their net value and the combined aggregate. The tax commissioner shall, upon such return and such other evidence as he may obtain, assess and determine the amount to be paid by such corporation under the requirements of the preceding section; and the provisions of sections fifty-three and fifty-nine shall apply to the determination of the amount, notification, and time of payment of assessments under the preceding section, except that notification shall be made to the secretary or general agent of the company or association instead of to the treasurer.

Amendment to
P. S. 13, § 34.

SECTION 2. Section thirty-four of chapter thirteen of the Public Statutes is amended to read as follows:—
Section 34. Every company, which, by the provisions of section twenty-nine, is required to pay a tax, shall, between the first and fifteenth days of November in each year, cause to be made to the tax commissioner a return, signed and sworn to by its secretary or other officer cognizant of the facts, which shall set forth the amount insured by said company, and the premiums received and assessments collected during the year ending with the thirty-first day of October then next preceding. Every company, corporation, association, or partnership, including associations formed upon the plan known as Lloyds, which is incorporated or associated by authority of any government other than this Commonwealth, doing or

authorized to do insurance business in the Commonwealth, shall, between the first and fifteenth days of November in each year, make to the tax commissioner, in such form as he shall prescribe, a return, signed and sworn to by its secretary, manager or other officer cognizant of the facts of the amount insured by it upon property or interests in this Commonwealth, and the premiums and assessments upon such insurance charged or received by it or its agents during the year ending with the thirty-first day of October then next preceding. Such returns shall contain a statement of the whole amount of premiums charged or received by or in behalf of said company, corporation, association, or partnership, either in cash or in notes absolutely payable, and the amount claimed as a deduction therefrom, under any of the provisions of this chapter specifying the amount so claimed, and also the classes of deductions and amount of each class. Every agent of a foreign insurance company, before transacting any business in this Commonwealth, shall file with the treasurer of the Commonwealth a bond with two sureties approved by the insurance commissioner in the penal sum of five hundred dollars, conditioned that such agent shall, on or before the fifteenth day of November in each year, make return to the tax commissioner of all business transacted by him as such agent during the year ending with the thirty-first day of October then next preceding, in such form as the tax commissioner may prescribe; and also that all the books, papers and accounts of his agency shall be open to the inspection of the tax commissioner at any time whenever he may deem it proper to verify the statement of transactions aforesaid. If any such agent shall refuse to submit the books, papers and accounts of his agency to such inspection, he shall be liable to a penalty of not less than fifty nor more than five hundred dollars, which may be recovered in a suit upon said bond, and the tax commissioner shall report such refusal to the insurance commissioner who shall thereupon cancel his certificate of authority to such agent, and the certificate so cancelled shall not be renewed within one year thereafter; but only such agents of life or accident insurance companies are required to give bond as are not accountable to any other agent in the Commonwealth for premiums received.

Agent of a foreign insurance company to file a bond before transacting any business.

SECTION 3. Section thirty-seven of chapter thirteen

Amendment to P. S. 13, § 37.

of the Public Statutes is amended by striking out the following words in the seventh, eighth, ninth and tenth lines thereof “and each agent of any such company, corporation, association, or partnership, incorporated or associated by authority of any state or government other than this Commonwealth, shall also be liable for the amount assessed upon premiums and assessments received by him,” and also by striking out the following words in the nineteenth, twentieth, twenty-first, twenty-second and twenty-third lines “Any return made or tax paid by an agent shall be a discharge, to that extent, of the company, corporation, association, or partnership, from its liability to make return or pay a tax under the provisions of this chapter, contained in sections twenty-nine to thirty-seven, inclusive.”

To take effect
June 30, 1887.

SECTION 4. This act shall take effect on the thirtieth day of June in the year eighteen hundred and eighty-seven.

Approved May 19, 1887.

Chap. 284 AN ACT TO AUTHORIZE THE CITIZENS' STREET RAILWAY COMPANY OF WORCESTER TO PURCHASE THE FRANCHISE, RIGHTS AND PROPERTY OF THE WORCESTER STREET RAILWAY COMPANY AND TO CONSOLIDATE WITH SAID COMPANY.

Be it enacted, etc., as follows:

Purchase
ratified.

SECTION 1. The purchase by the Citizens' Street Railway Company of Worcester of the franchise, rights and property of the Worcester Street Railway Company is hereby ratified.

Name changed
to the Worcester
Consolidated
Street Railway
Company.

SECTION 2. The name of the said Citizens' Street Railway Company is hereby changed to the Worcester Consolidated Street Railway Company, and said company shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, except as hereinafter provided, which the Worcester Street Railway Company, by its act of incorporation possessed or was subject to, and also be subject to all general laws which now are or hereafter may be in force relating to street railways.

May issue bonds
not exceeding
\$150,000.

SECTION 3. Said Worcester Consolidated Street Railway Company, by a vote of a majority in interest of its stockholders, at a meeting called for that purpose, may issue coupon or registered bonds to an amount not exceeding one hundred and fifty thousand dollars; and to secure the payment thereof with interest thereon the

said company may make a mortgage of its road and franchise and any part or all of its other property, and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value be substituted in lieu thereof.

SECTION 4. All bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Bonds to be approved and certified.

SECTION 5. The said Worcester Consolidated Street Railway Company shall perform all the stipulations imposed on the said Citizens' Street Railway Company as a condition on which the location of said railway in the several streets of the city of Worcester was granted by the board of aldermen of said city, within the time as extended by the order of said board of aldermen. In case of the neglect or refusal of said company to perform the said stipulations the supreme judicial court or any justice thereof, upon petition of the board of aldermen of the city of Worcester, may by proper decree require said company to perform the same.

To perform all stipulations imposed on the Citizens' Street Railway Company.

SECTION 6. This act shall take effect upon its passage.

Approved May 19, 1887.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO ACQUIRE LAND, AND ERECT A COURT HOUSE THEREON IN THE CITY OF FALL RIVER.

Chap. 285

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and required to take and hold, by purchase or otherwise, so much land as they may deem necessary in the city of Fall River, for the erection thereon of a court house for the use of the courts of the Commonwealth within and for the county of Bristol, and other purposes incidental thereto, and for a court house yard for the same, and to erect thereon a court house.

Commissioners of Bristol county may take land and erect court house in Fall River.

SECTION 2. Said commissioners for said purposes may borrow on the credit of said county a sum not exceeding seventy-five thousand dollars, and shall expend

May borrow \$75,000; whole expense not to exceed \$100,000.

in all a sum not exceeding one hundred thousand dollars.

To file in the registry of deeds a description of the land taken.

SECTION 3. Said commissioners shall within thirty days from the time when they shall take any parcel or parcels of land, under this act, file in the registry of deeds of Bristol county for the northern district, a description of the land so taken, as certain as is required in a common conveyance of land, with a statement of the purposes for which it is taken, which description and statement shall be signed by said commissioners or a major part of them; and the title to such land shall vest in the county of Bristol from the time of such filing.

Damages to be paid by the county.

SECTION 4. All damages sustained by the owner or owners of land so taken, shall be paid by the county, and if said commissioners fail to agree upon such damages with the owner or owners, the same may be assessed, and determined by a jury in the manner, and on the conditions provided by law in the case of laying out town ways, upon application therefor made within one year from the time of such filing.

SECTION 5. This act shall take effect upon its passage.

Approved May 19, 1887.

Chap. 286

AN ACT CONCERNING PARTITION OF LANDS.

Be it enacted, etc., as follows:

Partition of lands.

SECTION 1. In cases of partition of lands by sale, division or otherwise, where it appears that any part of such lands belongs to persons having different interests therein, so that an estate for life or for a term of years belongs to one person, and remainders therein are devised or limited to other persons, the probate court of the county in which the proceedings are pending may on petition of any party interested therein appoint a trustee, to receive, hold, manage and invest any distributive share of the money arising from such partition to which such persons may be entitled, the annual income to be paid over to the person in whom was the estate for life, or term of years, for the period such estate might have continued, and the principal, after the termination of such estate, to the persons to whom such remainders were devised or limited, when they can be ascertained and are entitled thereto. Whoever is appointed a trustee for the foregoing purposes shall before entering upon the

Probate court may appoint a trustee.

Trustee to give bond.

duties of his trust give to the judge of the probate court a bond with sufficient surety or sureties, and in such penal sum as the said judge may direct, conditioned for the faithful performance of his duties; and such bond upon breach of its condition may be put in suit, by order of the probate court, for the use and benefit of the persons interested in the trust property in like manner as is provided in case of bonds given by executors or administrators.

Bond may be put in suit upon breach of condition.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1887.

AN ACT TO INCORPORATE THE BOSTON ATHLETIC ASSOCIATION.

Chap. 287

Be it enacted, etc., as follows:

§ 1.

SECTION 1. Augustus P. Martin, Arthur Hunnewell, Robert F. Clark, William Appleton, Dudley L. Pickman, Henry Parkman, John O. Shaw, Jr., Lawrence Tucker, Francis L. Hugginson, J. Boyle O'Reilly, E. Rollins Morse, Maurice H. Richardson, Thomas Nelson, Harrison G. Otis, George W. Beals, Richard D. Sears and George B. Morison, their associates and successors are made a corporation by the name of the Boston Athletic Association, for the purpose of maintaining a club-house for social purposes and for the encouragement of athletic exercises, and maintaining a reading room, in the city of Boston, with the powers and privileges, and subject to the duties, liabilities and restrictions, set forth in all general laws, which now are or may hereafter be in force applicable to such corporations.

Boston Athletic Association incorporated.

SECTION 2. Said corporation for the purpose aforesaid may hold real and personal estate to an amount not exceeding three hundred thousand dollars.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1887.

AN ACT TO AMEND THE CHARTER OF THE GLOUCESTER WATER SUPPLY COMPANY.

Chap. 288

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and eighty-one is hereby amended by adding at the end of said section the following words:— or at any regular municipal election; and the warrant for notifying such

Charter amended. 1881, 167, § 4.

meetings if called specially as aforesaid shall specify when the polls shall be opened for the purpose of voting and when they shall be closed.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1887.

Chap.289 AN ACT IN RELATION TO THE COMPENSATION OF ARBITRATORS APPOINTED UNDER CHAPTER ONE HUNDRED AND EIGHTY-EIGHT OF THE PUBLIC STATUTES.

Be it enacted, etc., as follows:

Compensation
of arbitrators
appointed under
P. S. 188,
1886, 51, § 1.

SECTION 1. Section one of chapter fifty-one of the acts of the year eighteen hundred and eighty-six is hereby amended by inserting after the word "courts" in the eighth line thereof the following:—and shall award reasonable compensation to arbitrators appointed under the provisions of chapter one hundred and eighty-eight of the Public Statutes upon whose awards judgment is entered.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1887.

Chap.290 AN ACT LIMITING THE RIGHT OF MARRIED WOMEN TO DISPOSE OF REAL ESTATE BY WILL.

Be it enacted, etc., as follows:

Amendment to
P. S. 124, § 1.

SECTION 1. Section one of chapter one hundred and twenty-four of the Public Statutes is hereby amended by striking out the word "intestate" in the eighth line of said section.

Amendment to
P. S. 147, § 6,
as amended by
1885, 255.

SECTION 2. Section six of chapter one hundred and forty-seven of the Public Statutes as amended by chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-five, is further amended by inserting at the end of the first paragraph thereof, the words following:—or of her real estate not exceeding five thousand dollars in value, where no issue survives her.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1887.

Chap.291 AN ACT ENLARGING THE DUTIES AND REGULATING THE SALARY OF THE CLERK OF THE SUPREME JUDICIAL COURT IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Salary estab-
lished.
P. S. 159, §§ 28,
29.

SECTION 1. Sections twenty-eight and twenty-nine of chapter one hundred and fifty-nine of the Public Statutes

are hereby amended by striking therefrom all that relates to the clerk of the supreme judicial court in the county of Suffolk, and by adding to section twenty-nine as thus amended, the following words, to wit: — The clerk of the supreme judicial court in the county of Suffolk shall receive an annual salary of five thousand dollars, payable by the said county, and shall pay over to the county treasurer all fees received by him for his acts and services, or for the services of any employee in his office in making or copying papers or doing any other thing.

SECTION 2. The clerk of the supreme judicial court for the county of Suffolk shall act as clerk of the supreme judicial court, sitting in Boston, for the hearing of cases from any county other than Suffolk, except when sitting as a full court, and for such purposes as the court may direct; and for such services he shall receive from the treasury of the Commonwealth an annual salary of fifteen hundred dollars. Duties enlarged.
Salary.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1887.

AN ACT AUTHORIZING THE COMMISSIONERS OF PRISONS TO REMOVE PRISONERS FROM THE MASSACHUSETTS REFORMATORY TO THE STATE FARM AT BRIDGEWATER, AND GIVING THE STATE BOARD OF LUNACY AND CHARITY AUTHORITY OVER PRISONERS SO REMOVED.

Chap. 292

Be it enacted, etc., as follows:

SECTION 1. The commissioners of prisons may remove from the Massachusetts reformatory to the state farm at Bridgewater any prisoner held in said reformatory, and a prisoner so removed shall serve in said state farm the remainder of his original term of sentence. Prisoners may be removed from Massachusetts reformatory to the state farm.

SECTION 2. The state board of lunacy and charity shall have the same authority to release from said state farm a prisoner so removed and to return him thereto for a violation of the conditions upon which he was released, that the commissioners of prisons would have had to release him from said reformatory, and to return him thereto, if he had not been so removed. May be returned to the reformatory.

Approved May 19, 1887.

Chap.293 AN ACT CONCERNING THE JURISDICTION OF MUNICIPAL, POLICE AND DISTRICT COURTS IN CERTAIN CRIMINAL CASES.

Be it enacted, etc., as follows:

Concurrent jurisdiction with superior court in certain criminal cases.

SECTION 1. Municipal, district and police courts shall have jurisdiction concurrently with the superior court of cases of assault and battery with a weapon dangerous to life, where there is no intent shown to commit any other offence; of the offence of indecent exposure of the person, and of violations of the provisions of sections one hundred and sixteen, one hundred and seventeen, one hundred and eighteen and one hundred and nineteen of chapter one hundred and two of the Public Statutes.

Violations of provisions of P. S. 203, § 103.

SECTION 2. Said courts shall have jurisdiction concurrently with the superior court of violations of the provisions of section one hundred and three of chapter two hundred and three of the Public Statutes, in cases where the value of the property destroyed or injured is not alleged to exceed one hundred dollars, and may sentence any person found guilty of such offence to be punished by imprisonment in the jail not exceeding one year or by a fine not exceeding one hundred dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1887.

Chap.294 AN ACT TO EXTEND THE TIME WITHIN WHICH THE ORANGE WATER WORKS MAY COMPLETE ITS ORGANIZATION AND COMMENCE ITS WORKS.

Be it enacted, etc., as follows:

Charter revived. 1884, 167.

SECTION 1. The Orange Water Works incorporated under the provisions of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and eighty-four is hereby revived, and all the provisions of said chapter, not inconsistent herewith, are hereby continued in force.

Time extended to complete organization, etc.

SECTION 2. The time within which said corporation may complete its organization is hereby extended to the nineteenth day of April in the year eighteen hundred and eighty-eight, and the time within which said corporation shall commence operations is hereby extended to the nineteenth day of April in the year eighteen hundred and eighty-nine.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1887.

AN ACT RELATING TO THE AWARDS OF SPECIAL COMMISSIONS IN THE ALTERATIONS OF CROSSINGS OF HIGHWAYS OR TOWNWAYS AND RAILROADS. *Chap. 295*

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and thirty-one of chapter one hundred and twelve of the Public Statutes as amended by section four of chapter one hundred and ninety-four of the acts of the year eighteen hundred and eighty-five is hereby further amended so as to read as follows:—
Section 131. A special commission of three disinterested persons, to be appointed as provided in the following section, shall determine which party shall carry such decision into effect, and which party shall pay the charges and expenses of making such alteration, and all future charges for keeping such crossing and the approaches thereto in repair, as well as the costs of the application to the county commissioners, and of the hearing before said special commission; and it may apportion all such charges, expenses and costs between the railroad corporation and the towns, cities or counties in which said crossing is situated and other towns and cities specially benefited: *provided*, that the counties or either or any of them may be omitted from such apportionment if such omission seems just, and any town or city except that or those in which the crossing is situated may also be omitted from the apportionment if it seems just so to do.

Awards of special commissions in alterations of crossings of highways, etc., and railroads.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1887.

AN ACT TO GIVE TO THE BOARD OF ROAD COMMISSIONERS OF THE TOWN OF QUINCY CERTAIN POWERS IN RELATION TO BROOKS AND STREAMS THEREIN. *Chap. 296*

Be it enacted, etc., as follows:

SECTION 1. The board of road commissioners of the town of Quincy, or the board of selectmen in case at any time said town has no board of road commissioners, is hereby authorized, for the purpose of draining any lands which have been declared by the board of health of said town to be so wet or moist as to be offensive or injurious to health, to clear of obstructions, deepen and widen any brooks or streams in said town, and to enter upon any lands for such purpose. Damages suffered by any person

Drainage of lands in the town of Quincy.

Damages.

through such action of the board of road commissioners or board of selectmen shall be ascertained and recovered in the same manner as provided by law in the case of the laying out of town ways.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1887.

Chap. 297 AN ACT TO INCORPORATE THE HULL STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Hull Street
Railway may be
incorporated.

SECTION 1. Thomas Leavitt, William H. Long, John W. Hobart, Andrew F. Reed, Edwin Reed, John Shepard, Horace B. Parker, their associates and successors, may associate and become a corporation under the name of the Hull Street Railway Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided.

May maintain
the electric
system of
motive power.

SECTION 2. Said company may establish and maintain the electric system of motive power, so called, and with the consent of the selectmen of the town of Hull may make such underground alteration of the streets, and erect such poles, structures and wires, as may be necessary to establish and maintain said motive power; except that said company shall not use a centre surface rail for the transmission of the electric current.

May construct
railway as pro-
vided by general
law subject to
control of the
selectmen.

SECTION 3. Said corporation may, subject to the approval and under the control of said selectmen, as provided by general law, locate, construct, maintain and operate a street railway with single or double tracks and with convenient and suitable turnouts and switches through and over any streets and highways in said town of Hull: *provided*, the tracks of said corporation shall not cross the tracks of the Nantasket Beach Railroad Company at grade without the consent of the board of railroad commissioners.

Capital stock.

SECTION 4. The capital stock of said corporation shall not be less than fifteen thousand dollars nor more than fifty thousand dollars, but said corporation may increase its capital stock subject to all general laws applicable to such increase.

May issue
bonds.

SECTION 5. Said corporation from time to time by the vote of the majority in interest of its stockholders, and

upon the certificate of some person authorized to make the same, may issue coupon or registered bonds to an amount not exceeding the amount of its capital stock actually subscribed for and paid in, for a term not exceeding twenty years from the date thereof, and to secure payment thereof with interest thereon, the said corporation may make a mortgage of its road and franchise and all or any part of its other property, and may include in such mortgage property to be thereafter acquired. Said corporation may in such mortgage reserve to its directors the right to sell or otherwise dispose of property included in such mortgage, which may become worn, damaged or otherwise unsuitable for use in the operation of its road.

SECTION 6. The provisions of law respecting the residence of its directors; respecting a voluntary discontinuance of the use of any part of its tracks; and, in case of the employment of electric motive power, respecting the gauge of the road, shall not apply to this corporation.

Provisions of law which shall not apply.

SECTION 7. This act shall take effect upon its passage.

Approved May 19, 1887.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A PILOT FOR COHASSET HARBOR.

Chap. 298

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, may appoint a suitable person to be pilot for the harbor of Cohasset, who shall hold his commission during the pleasure of, and may be suspended or removed at any time by, the governor and council; and who shall be subject to the provisions of all general laws which now are or hereafter may be in force relative to pilots and pilotage.

Pilot for Cohasset harbor.

SECTION 2. The rates of pilotage for said harbor shall be the same for outward and inward bound vessels as those established for the harbor of Boston.

Rates of pilotage.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1887.

AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO RECONSTRUCT THE UNION STREET BRIDGE IN SAID CITY, AND TO BORROW MONEY THEREFOR.

Chap. 299

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence is hereby authorized, by a vote passed in the manner provided by section

City of Lawrence may borrow money

for reconstructing the Union Street Bridge over the Merrimac river.

seven of chapter twenty-nine of the Public Statutes, to borrow a sum of money, not exceeding seventy-five thousand dollars, for the purpose of reconstructing the Union Street Bridge, so called, over the Merrimac river in said city, and may from time to time issue negotiable bonds or certificates of indebtedness to an amount not exceeding said sum, payable at the expiration of periods not exceeding twenty years from the date of issue and bearing interest at a rate not exceeding five per centum per annum.

Not to be included within limit fixed by 1885, 312.

SECTION 2. The debt and loans authorized by this act shall not be included within the limit fixed by the provisions of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1887.

*Chap.*300 AN ACT RELATING TO THE TRAPPING OR SNARING OF RUFFED GROUSE, HARES OR RABBITS.

Be it enacted, etc., as follows:

Partridges, hares or rabbits. 1886, 276, § 6.

The provisions of section six of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-six, shall not apply to the trapping or snaring of ruffed grouse, commonly called partridge, hares or rabbits by an owner of land upon his land, or by a member of the family of such owner if authorized by such owner, between the first day of October and the first day of January.

Approved May 20, 1887.

*Chap.*301 AN ACT TO INCORPORATE THE GURNET BRIDGE COMPANY, AND TO AUTHORIZE THE BUILDING OF A BRIDGE FROM POWDER POINT TO SALTER'S BEACH IN THE TOWN OF DUXBURY.

Be it enacted, etc., as follows:

Gurnet Bridge Company incorporated.

SECTION 1. William J. Wright, John B. Hollis, Jr. and Arthur F. Mansur, their associates and successors, are hereby made a corporation by the name of the Gurnet Bridge Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

May build a pile bridge across Duxbury harbor.

SECTION 2. Said corporation may, subject to the provisions of chapter nineteen of the Public Statutes, build and maintain a pile bridge across the waters of Duxbury harbor in the town of Duxbury, commencing at a point

on Powder point, so called, and extending easterly in a straight line to a point on Salter's beach, so called. Said bridge shall be at least twenty feet wide, and shall have a suitable draw therein with a clear width of not less than twenty-four feet for the passage of vessels.

SECTION 3. The capital stock of said corporation shall not exceed fifty thousand dollars, divided into shares of one hundred dollars each; and said corporation may purchase and hold such real and personal estate as may be necessary or convenient for the purposes aforesaid.

Capital stock and shares.

SECTION 4. The county commissioners of Plymouth county, upon petition therefor in writing by said corporation, and upon such contribution by said corporation to the cost of construction as may seem proper to said commissioners, may lay out and build said bridge and the approaches thereto as a public highway, subject to the provisions of chapters nineteen and forty-nine of the Public Statutes, and subject to the provisions of this act in respect to the manner of construction of said bridge.

County commissioners may lay out bridge, etc., as a public highway.

SECTION 5. Said county commissioners may borrow such sum or sums of money on the credit of the county of Plymouth as may be necessary to carry into effect the provisions of this act; and they shall determine what cities and towns in said county will receive a special benefit from the building of said bridge, and shall assess upon them such portion of the cost of construction, and in such proportions, as they may deem equitable. The cost of repairing and maintaining said bridge, if built by the county commissioners as aforesaid, shall be borne by the town of Duxbury.

May borrow money.

Cost of maintaining bridge.

SECTION 6. This act shall take effect on the first day of June in the year eighteen hundred and eighty-seven.

Approved May 23, 1887.

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR A UNION RAILROAD PASSENGER STATION BETWEEN CHARLES RIVER AND CAUSEWAY STREET IN THE CITY OF BOSTON.

Chap. 302

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred ninety-two of the acts of the year one thousand eight hundred and eighty-six is hereby amended so as to read as follows: — For the purposes aforesaid, and for providing necessary approaches and appurtenances to such station, the said Boston and Maine Railroad and Eastern Railroad

Union railroad passenger station between Charles river and Causeway street in Boston.

Union passenger
station.

Company may, subject to the provisions of this act and of chapter nineteen of the Public Statutes, cover and occupy with a pile or other similiar structure such portion or portions of the area or parcel of tide-water land flowed by said Charles river and Miller's river and situate between the now existing railroad bridges of said corporations across said rivers as may be necessary therefor, and may, within two years from the passage of this act, with the assent of the board of harbor and land commissioners, and the written consent of the littoral proprietors whose access to the sea will be thereby obstructed or interrupted, close the draws existing in their several railroad bridges across the said Miller's river. If any such littoral proprietor shall refuse to consent to the closing of said draws, but shall consent within ninety days from the passage of this act to submit the determination of the value of his littoral estate and real property connected therewith to three disinterested arbitrators, one to be chosen by him, one by said railroad companies, and the third by the two thus chosen, the said proprietor shall sell and convey said estate to said railroad companies, and said railroad companies shall purchase the same at the price so fixed by said arbitrators; and if he does not so consent, then said companies within two years from the passage of this act may close said draws without such consent or purchase, and any littoral proprietor whose access to the sea is obstructed or interrupted by the closing of said draws may recover of said corporations all damages thereby occasioned to his property and business in the same manner and with the same rights as to security as are provided by law in relation to damages occasioned by laying out and maintaining railroads; and *provided, further*, that no portion of said area or parcel of tide-water land shall be so covered or occupied until the board of railroad commissioners shall have first approved in writing the plans for the location, arrangement and joint use of such station, and for the changing and arrangement of the tracks of the several railroads approaching and crossing said rivers and entering such station, and for the avoidance of grade crossings as aforesaid; nor until the board of harbor and land commissioners shall have first approved in writing the plans for covering and occupying as aforesaid any portion or portions of said area or parcel of tide-water land, both as regards the location and extent.

Proviso.

of the portion or portions to be so covered and occupied, and the manner of occupying and using the same; and any plans for covering the area of tide-water flowed by Charles river shall provide a means of passage for row boats at all stages of the tide; and all things done by any railroad corporation under this act shall be done in accordance with the respective plans so approved.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1887.

AN ACT AUTHORIZING THE CITY OF HOLYOKE TO MAKE A NEW DIVISION OF THE WARDS OF SAID CITY.

Chap. 303

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Holyoke, may in the year eighteen hundred and eighty-seven make a new division of the wards of said city, not exceeding the number allowed by its charter, so that they shall contain as nearly as may be consistent with well defined limits, and so as not to conflict with either representative or senatorial lines, an equal number of voters in each ward. Section three of the charter of the city of Holyoke shall be operative and shall continue to be in force except so far as it is inconsistent with the provisions of this act.

City council may make new division of wards in Holyoke.

SECTION 2. If a new division of wards is made by virtue hereof, the provisions of said charter shall apply to the new wards according to their respective numbers: *provided, however,* that the terms of the several members of the school committee now in office, elected by wards, shall expire at the end of the current municipal year, and at the municipal election to be held on the first Tuesday of December next there shall be elected, by and from the voters in each new ward, in the manner provided by law, a member of said committee to serve for the same term as the member from the old ward of the corresponding number would have served but for this act.

Provisions of charter to apply, etc.

School committee.

SECTION 3. Section seventeen of chapter one hundred and fifty-four of the acts of the year eighteen hundred and seventy-three is amended by striking out, in the twenty-third and twenty-fourth lines thereof, the words "constitute the school committee and."

Amendment to 1873, 154, § 17.

SECTION 4. Any new division of wards which shall be made by authority of this act shall be made to take effect on or before the first day of October next.

New division to take effect on or before Oct. 1, 1888.

SECTION 5. This act shall take effect upon its passage.

Approved May 25, 1887.

Chap.304 AN ACT TO AUTHORIZE THE PASCOAG AND WEBSTER RAILROAD COMPANY TO EXTEND ITS ROAD INTO THIS COMMONWEALTH.

Be it enacted, etc., as follows:

Pascoag and Webster Railroad Company, incorporated in Rhode Island, may extend road into Massachusetts.

SECTION 1. The Pascoag and Webster Railroad Company when incorporated by the laws of Rhode Island is hereby authorized to locate, construct, maintain and operate an extension of its railroad with one or more tracks in the town of Douglas from a point in the boundary line between this Commonwealth and the state of Rhode Island, to some point in the boundary line between this Commonwealth and the state of Connecticut; and in the town of Webster from a point in the boundary line between this Commonwealth and the state of Connecticut, to the Providence, Webster and Springfield Railroad at its terminus in Dudley at Webster Mills, so called, and to connect therewith. Such extension to be located, constructed, maintained and operated according to and in conformity with the provisions of the laws of this Commonwealth now existing or which may hereafter be passed with respect to railroads.

To be located and constructed before July 1, 1890.

SECTION 2. Said corporation shall locate and construct the extensions hereinbefore authorized before the first day of July, eighteen hundred and ninety.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1887.

Chap.305 AN ACT TO CHANGE THE NAME OF THE WORCESTER COUNTY FREE INSTITUTE OF INDUSTRIAL SCIENCE.

Be it enacted, etc., as follows:

Name changed to the Worcester Polytechnic Institute.

SECTION 1. The Worcester County Free Institute of Industrial Science, incorporated by chapter two hundred and fourteen of the acts of the year eighteen hundred and sixty-five, shall hereafter be called and known as the Worcester Polytechnic Institute, and in that name shall continue to hold, possess and use all the property, and be entitled to all the rights, powers and franchises of said corporation and be subject to all its duties and obligations in the same manner and to the same extent as if this act had not been passed.

Officers to continue in office.

SECTION 2. All the officers of said corporation shall continue to hold and exercise their respective offices in the same manner they would or could have done had not the name of said corporation been changed.

SECTION 3. Nothing contained in this act shall be construed as a surrender or forfeiture, or as affecting a surrender or forfeiture of any of the property or rights of property or any of the powers, privileges or rights of said corporation. Powers, privileges, etc., not surrendered.

SECTION 4. This act shall take effect on the first day of July next.

Approved May 26, 1887.

AN ACT TO AMEND AN ACT PROVIDING FOR THE APPOINTMENT OF ASSISTANT ASSESSORS OF TAXES IN THE CITY OF WORCESTER.

Chap.306

Be it enacted, etc., as follows :

SECTION 1. The mayor of the city of Worcester shall annually in the month of April appoint one person in each ward of said city, who shall be a resident therein, to be an assistant assessor, and such other persons at large to be assistant assessors as the city council from time to time may by ordinance determine. Such assistant assessors, on being confirmed by the board of aldermen of said city, and having been sworn to the faithful performance of their duties, shall be qualified to perform all the duties of assistant assessors. Any vacancy occurring in any such offices, whether from death, resignation or otherwise, shall be filled by appointment, by the mayor, of some person who shall serve during the remainder of such unexpired term. Assistant assessors to be appointed.

SECTION 2. Section twenty-five of chapter one hundred and ninety-nine of the acts of the year eighteen hundred and sixty-six, and chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-seven, and all other acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage, but the persons elected assistant assessors under existing laws shall continue in office until the appointment and qualification of such officers under this act. Present officers to remain until successors are qualified.

Approved May 26, 1887.

AN ACT TO PROVIDE FOR LICENSING DOGS KEPT FOR BREEDING PURPOSES.

Chap.307

Be it enacted, etc., as follows :

SECTION 1. Every owner or keeper of dogs kept for breeding purposes, may receive annually a special license authorizing him to keep such dogs upon the premises described in such license. When the number of dogs so Licensing of dogs kept for breeding purposes.

kept does not exceed five, the fee for such license shall be twenty-five dollars, when the number of dogs so kept exceeds five the fee shall be fifty dollars, and no fee shall be required for the dogs of such owner or keeper under the age of six months.

Provisions of certain laws not to apply.

SECTION 2. The provisions of sections eighty, eighty-one, eighty-two and eighty-seven of chapter one hundred and two of the Public Statutes, and the provisions of chapter two hundred and ninety-two of the acts of the year eighteen hundred and eighty-five, shall not apply to persons holding licenses under the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1887.

Chap.308 AN ACT TO AUTHORIZE THE NAUMKEAG STREET RAILWAY COMPANY TO PURCHASE THE SALEM AND DANVERS STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

May purchase franchise, etc., of the Salem and Danvers Street Railway Company.

SECTION 1. The Naumkeag Street Railway Company is hereby authorized to purchase the rights, franchise and property of the Salem and Danvers Street Railway Company; and the said Salem and Danvers Street Railway Company is hereby authorized to convey and assign to the said Naumkeag Street Railway Company its franchise and property and all the rights, easements, privileges and powers granted it. The said Naumkeag Street Railway Company shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchise and property, and be subject to all duties, liabilities, obligations and restrictions to which said Salem and Danvers Street Railway Company may be subject: *provided, however*, that such purchase or sale shall not be valid unless agreed to by the board of directors of the contracting parties and approved by the majority of the votes at meetings of the stockholders of each corporation called for that purpose.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1887.

AN ACT TO ENABLE THE BOSTON AND LOWELL RAILROAD CORPORATION TO ENLARGE AND IMPROVE ITS TERMINAL FACILITIES ON MYSTIC RIVER IN THE CITY OF BOSTON.

*Chap.*309

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing suitable terminal facilities for ocean steamers and other vessels, and for the more convenient transaction of its business in receiving, storing, delivering and forwarding freight by land and by water, the Boston and Lowell Railroad Corporation may, with the consent in writing of the board of harbor and land commissioners and subject to the provisions of this act, build and maintain on piles, in and over the tide-waters of Mystic river below Chelsea bridge in the city of Boston, such wharves, piers, docks and other structures as the said board, upon petition and after public notice and hearing, may determine that the public convenience and necessity require for the purposes aforesaid.

May build pile wharves, etc., over tide waters of Mystic river below Chelsea bridge.

SECTION 2. Any structures authorized as aforesaid shall extend in a southeasterly direction from the property of said corporation which has been or may be acquired by purchase from the Mystic River Corporation and which lies between the north and south channels of said river, and shall be built within such lines and in such manner, and shall extend to such distances, as the said board may in writing approve and prescribe; and the said Boston and Lowell Railroad Corporation shall, in respect to the structures authorized and the rights and privileges granted by this act, be subject to the provisions of chapter nineteen of the Public Statutes.

Location, etc., of structures.

SECTION 3. Said corporation may erect and maintain on said wharves and piers such elevators, warehouses and other buildings and appliances as may be necessary or convenient for the purposes aforesaid; and may increase its capital stock by such amount, not to exceed five hundred thousand dollars, as may be required to carry into effect the provisions of this act, subject to the general laws applicable to such increase.

May erect elevators, etc.

May increase capital stock.

SECTION 4. This act shall take effect upon its passage.

Approved May 26, 1887.

Chap. 310

AN ACT RELATING TO MEDICAL EXAMINERS.

Be it enacted, etc., as follows:

Medical examiners.

SECTION 1. Section twenty of chapter twenty-six of the Public Statutes is hereby amended to read as follows: — The medical examiner upon the completion of his autopsy in any case arising under the provisions of this chapter, or upon the conclusion of his view or medical examination when an autopsy is deemed unnecessary, shall deliver the dead body, upon their claim therefor, to one or more of the persons hereinafter named; and they shall be entitled thereto as follows: — First, the husband or wife, as the case may be. Second, the next of kin. Third, any friend of the deceased. But if the dead body is unidentified or unclaimed for a period of not less than forty-eight hours following the view thereof, the medical examiner shall deliver the body to the overseers of the poor of the city or town wherein it is found lying, and said overseers shall decently bury the same in accordance with the provisions of section seventeen of chapter eighty-four of the Public Statutes.

To whom body shall be delivered.
P. S. 26, § 20.

Account of expenses to be rendered.
P. S. 26, § 24.

SECTION 2. Section twenty-four of chapter twenty-six of the Public Statutes is hereby amended so as to read as follows: — Every medical examiner shall return an account of the expenses of each view or autopsy, including his fees, to the county commissioners having jurisdiction over the place where the examination or view is held, or in the county of Suffolk to the auditor of the city of Boston, and shall annex to his return the written authority under which the autopsy was made. Such commissioners or auditor shall audit such accounts and certify to the treasurer of the county what items in such account are deemed just and reasonable and such items shall be paid by said treasurer to the person entitled to receive the same.

Amendment to P. S. 84, § 17.

SECTION 3. Section seventeen of chapter eighty-four of the Public Statutes is hereby amended by striking out the words “except such strangers as are buried by medical examiners under the provisions of section twenty of chapter twenty-six.”

SECTION 4. This act shall take effect upon its passage.

Approved May 26, 1887.

AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS OF THE TOWN OF AYER. *Chap.311*

Be it enacted, etc., as follows :

SECTION 1. The proceedings of the town meetings of the town of Ayer for the election of town officers, held on the sixth day of April, eighteen hundred and eighty-five, and on the fifth day of April, eighteen hundred and eighty-six, and on the fourth day of April, eighteen hundred and eighty-seven, shall not be invalid by reason of any defects in the warrants calling said meetings, nor for the reason that tellers were not appointed and sworn according to law, to aid in checking the names of voters and in assorting and counting the votes ; and the election of all town officers for the term of office to which they were severally declared to have been elected at said town meetings and all doings of said meetings are ratified and confirmed.

Proceedings of town meetings made valid.

Election of officers ratified.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1887.

AN ACT TO AUTHORIZE A LOAN FOR THE PAYMENT FOR LANDS HERETOFORE ACQUIRED FOR PUBLIC PARKS IN OR NEAR THE CITY OF BOSTON. *Chap.312*

Be it enacted, etc., as follows :

SECTION 1. For the purpose of paying for the lands heretofore acquired by the city of Boston for public parks, the city council of said city may, by a vote passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes, authorize its treasurer to issue, from time to time, to the amount of four hundred thousand dollars, negotiable bonds or certificates of indebtedness, payable in not exceeding fifty years from their date, and bearing interest at a rate not exceeding four per centum per annum, to be denominated on the face thereof Public Park Loan.

May issue bonds, etc., to amount of \$400,000.

SECTION 2. Said treasurer shall sell said bonds and certificates, or any part thereof, from time to time, and retain the proceeds thereof in the treasury of said city, and pay therefrom the expenses incurred for the purpose aforesaid.

May sell bonds from time to time.

SECTION 3. The debt and loans authorized by this act shall not be included within the limit fixed by section two

Not to be included within limit. 1885, 178, § 2.

of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-five.

SECTION 4. This act shall take effect upon its passage.

Approved May 26, 1887.

Chap.313

AN ACT TO INCORPORATE THE NEWTON CLUB OF NEWTON.

Be it enacted, etc., as follows :

Newton Club
incorporated.

SECTION 1. Royal M. Pulsifer, Robert R. Bishop, William Claffin, Henry E. Cobb, their associates and successors, are hereby made a corporation by the name of the Newton Club, for the purpose of maintaining a club house and reading room in the city of Newton, with the powers and privileges, and subject to the duties, liabilities and restrictions set forth in all general laws, which now are or may hereafter be in force applicable to such corporations.

Personal estate
not to exceed
\$100,000.

SECTION 2. Said corporation for the purpose aforesaid may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1887.

Chap.314

AN ACT FOR THE PROTECTION OF LOBSTERS.

Be it enacted, etc., as follows :

Protection of
lobsters.

SECTION 1. Section one of chapter two hundred and twelve of the acts of the year eighteen hundred and eighty-four is amended by striking out the words “measuring from one extreme of the body extended to the other, exclusive of claws or feelers,” and by inserting in place thereof the words : — measrning from the extremity of the bone projecting from the head, to the end of the bone of the middle flipper of the tail of the lobster, extended on its back its natural length, — so that said section as amended shall read as follows : — *Section 1.* Section eighty-four of chapter ninety-one of the Public Statutes is amended so as to read as follows : — Whosoever sells or offers for sale or has in his possession a lobster less than ten and one-half inches in length, measuring from the extremity of the bone projecting from the head to the end of the bone of the middle flipper of the tail of the lobster, extended on its back its natural length, shall forfeit five dollars for every such lobster ; and in all prosecutions under this section the possession of any lobster

Penalty.

not of the required length shall be prima facie evidence to convict.

SECTION 2. One-half of the fines imposed under sections eighty-one, eighty-two and eighty-four, as amended, of chapter ninety-one of the Public Statutes and under this act shall be paid to the complainant and the other half to the county within which the offence was committed.

Disposition of
fines imposed.

Approved May 26, 1887.

AN ACT TO PROVIDE FOR THE EMPLOYMENT BY THE COMMISSIONERS OF PRISONS OF ADDITIONAL AGENTS TO AID DISCHARGED PRISONERS.

Chap. 315

Be it enacted, etc., as follows :

SECTION 1. The commissioners of prisons may employ two persons who shall act as their agents in securing employment for prisoners discharged permanently or released on probation from the penal institutions in charge of said commission, and said agents shall perform such other duties in regard to such prisoners as shall be designated by the commissioners. They shall also obtain information for said commission in regard to prisoners committed to institutions under the charge of the board, especially as to the details of their offences and as to their previous characters and history, and in obtaining such information they may require of the police authorities such facts as may be in their possession relative to said prisoners, when the communication of such facts will not in the opinion of said authorities be detrimental to the public interests. Said agents to be in addition to those authorized by sections twenty six and twenty-seven of chapter two hundred and nineteen of the Public Statutes.

Additional
agents may be
employed.

SECTION 2. Each of said agents shall receive such salary, not exceeding twelve hundred dollars a year, as said commissioners shall fix. They shall also be reimbursed for necessary expenses actually incurred by them in the performance of their duties, such reimbursement to be made upon bills approved by said commissioners.

Salaries not to
exceed \$1,200 a
year.

To be reim-
bursed for
expenses.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1887.

*Chap.*316 AN ACT TO AMEND AN ACT TO SUPPLY THE TOWN OF MARBLE-
HEAD WITH WATER.

Be it enacted, etc., as follows:

May buy supply
of water.

SECTION 1. Section two of chapter three hundred and twenty-five of the acts of the year eighteen hundred and eighty-six is hereby amended by adding at the end thereof the following words: — And for the purposes aforesaid said town is further authorized and empowered to buy a supply of water, either temporary or permanent, from any firm, corporation or municipality, upon such terms or conditions as may be mutually agreed to by the respective contracting parties.

Bonds not to
exceed \$150,000.

SECTION 2. Section five of said chapter is hereby amended so as to read as follows: — The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words Town of Marblehead Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town, unless it avails itself of the provisions of section six, shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1887.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 317

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except as herein provided, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit :

For the Massachusetts Mozart association of the fortieth New York Mozart regiment, for the purpose of erecting a monument on the battlefield of Gettysburg, Pennsylvania, the sum of five hundred dollars, as authorized by chapter thirty-seven of the resolves of the present year.

Appropriations.

Massachusetts Mozart association of fortieth New York Mozart regiment.

For the reimbursement of the Massachusetts school fund for a forged note held by that fund, the sum of four thousand dollars, as authorized by chapter thirty-eight of the resolves of the present year.

Reimbursement of school fund.

For certain improvements at the state normal school at Worcester, a sum not exceeding four thousand five hundred dollars, as authorized by chapter forty of the resolves of the present year.

State normal school at Worcester.

For providing for the purchase of machinery and for repairs in the laundry at the state primary school at Monson, a sum not exceeding one thousand dollars, as authorized by chapter forty-one of the resolves of the present year.

State primary school at Monson.

For the Massachusetts teachers' association, the sum of seventy-six dollars and eighty-five cents, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, as authorized by chapter forty-two of the resolves of the present year.

Massachusetts teachers' association.

For expenses in connection with the topographical survey and map of Massachusetts, in the determination by triangulation of the boundary lines of the cities and towns in the Commonwealth, a sum not exceeding five thousand dollars, as authorized by chapter forty-five of the resolves of the present year.

Topographical survey and map.

Boundary lines.

For William Farrell of Boston, the sum of one hundred and fourteen dollars, as authorized by chapter forty-six of the resolves of the present year.

William Farrell.

For the city of Holyoke, the sum of one hundred and

Holyoke,

Springfield,
Cheshire,
Hinsdale and
Lenox.

forty-six dollars and fifteen cents; for the city of Springfield, eighty-four dollars; for the town of Cheshire, eight dollars; for the town of Hinsdale, thirty-seven dollars and sixty cents, and for the town of Lenox, fifty-nine dollars and twenty cents, as authorized by chapter forty-seven of the resolves of the present year.

Cemetery at
state almshouse.

For the purchase of land for cemetery purposes at the state almshouse at Tewksbury, a sum not exceeding six hundred dollars, as authorized by chapter forty-eight of the resolves of the present year.

Theodore E.
Davis.

For Theodore E. Davis of Washington, D. C., the sum of six thousand eight hundred and sixty-five dollars and thirty-seven cents, as authorized by chapter fifty of the resolves of the present year.

Memorial to
Crispus
Attucks and
others.

For the purpose of erecting a memorial to Crispus Attucks, Samuel Gray, Jonas Caldwell, Samuel Maverick and Patrick Carr, a sum not exceeding ten thousand dollars, as authorized by chapter fifty-three of the resolves of the present year.

Maria E. A. B.
Nowell.

For Maria E. A. B. Nowell, the sum of one hundred dollars, as authorized by chapter fifty-four of the resolves of the present year.

Town of
Palmer.

For the town of Palmer, the sum of one hundred and fourteen dollars and twelve cents, as authorized by chapter fifty-five of the resolves of the present year.

Land, etc., at
state farm at
Bridgewater.

For a new laundry, a fence, for the purchase of land, and for certain repairs at the state farm at Bridgewater, a sum not exceeding ten thousand four hundred dollars, as authorized by chapter fifty-six of the resolves of the present year.

Massachusetts
cavalry associa-
tion.

For the third Massachusetts cavalry association, the sum of five hundred dollars, as authorized by chapter fifty-seven of the resolves of the present year.

Report on
Bussey Bridge
accident.

For printing the special report of the railroad commissioners on the Bussey bridge accident, a sum not exceeding two thousand dollars, as authorized by chapter fifty-nine of the resolves of the present year.

Boundaries of
lands at state
prison, reforma-
tory, etc.

For determining the boundaries of lands of the Commonwealth, at the state prison, Massachusetts reformatory, and reformatory prison for women, a sum not exceeding three hundred dollars, as authorized by chapter sixty of the resolves of the present year.

Repairs at state
prison.

For certain repairs and alterations at the state prison, a sum not exceeding fourteen thousand six hundred dol-

lars, as authorized by chapter sixty-one of the resolves of the present year.

For the salary of the assistant state librarian and clerk of the board of education, the sum of three hundred and forty-seven dollars and twenty-three cents, as authorized by chapter two hundred and nine of the acts of the present year, being in addition to the two thousand dollars appropriated by chapter one of the acts of the present year.

Salary of assistant state librarian, etc.

For the salary of the messenger to the governor and council, the sum of sixty-eight dollars and six cents, as authorized by chapter two hundred and twenty-one of the acts of the present year, being in addition to the nine hundred dollars appropriated by chapter one of the acts of the present year.

Messenger to governor and council.

For the salary of the assayer and inspector of liquors, the sum of one hundred and thirty-six dollars and twelve cents, as authorized by chapter two hundred and thirty-two of the acts of the present year, being in addition to the one thousand dollars appropriated by chapter one of the acts of the present year.

Assayer and inspector of liquors.

For compensation of members of the state district police force, a sum not exceeding two thousand dollars, as authorized by chapter two hundred and fifty-six of the acts of the present year, being in addition to the twenty-two thousand eight hundred dollars appropriated by chapter thirteen of the acts of the present year.

Compensation of state district police.

For travelling expenses actually paid by members of the state district police force, a sum not exceeding seven hundred dollars, being in addition to the eleven thousand two hundred and fifty dollars appropriated by chapter thirteen of the acts of the present year, made necessary by the increase of the said force authorized by chapter two hundred and fifty-six of the acts of the present year.

Travelling expenses of state district police.

For the salary of the assistant register of probate and insolvency for the county of Middlesex, the sum of one hundred and ninety-three dollars and fifty-five cents, as authorized by chapter two hundred and fifty-nine of the acts of the present year, being in addition to the fifteen hundred dollars appropriated by chapter four of the acts of the present year.

Assistant register of probate and insolvency for county of Middlesex.

For the salaries of the members of the state board of arbitration, a sum not exceeding three thousand dollars,

State board of arbitration.

and for the salary of the clerk of the said board, a sum not exceeding six hundred dollars, as authorized by chapter two hundred and sixty-nine of the acts of the present year, said sums being in addition to the five thousand dollars appropriated for compensation, travelling and other necessary expenses of the state board of arbitration in chapter nine of the acts of the present year.

Assistant register of probate and insolvency for county of Essex.

For the salary of the assistant register of probate and insolvency for the county of Essex, the sum of one hundred and eighty-nine dollars and fifty-two cents, as authorized by chapter two hundred and seventy-three of the acts of the present year, being in addition to the fifteen hundred dollars appropriated by chapter four of the acts of the present year.

For concluding contract under chapter 48 of resolves of 1883.

For concluding any contract between the Commonwealth and the corporation established as the Troy and Greenfield Railroad Company, as authorized by chapter forty-eight of the resolves of the year eighteen hundred and eighty-three, any sum remaining in the treasury and not otherwise appropriated may be used under the direction of the governor and council.

William Washburn.

For William Washburn, the sum of ten hundred and fifty dollars, as authorized by chapter fifty-three of the resolves of the year eighteen hundred and eighty-five.

Engineers and commissioners under 1884, 274.

For compensation and expenses of engineers and commissioners, to be appointed by the governor as provided for in chapter two hundred and seventy-four of the acts of the year eighteen hundred and eighty-four, being an act entitled "An Act in relation to the Cape Cod Ship Canal Company," a sum not exceeding five thousand dollars.

Witnesses before committees.

For expenses of summoning witnesses before committees and for fees for such witnesses, a sum not exceeding three hundred dollars, being in addition to the two hundred dollars appropriated by chapter two of the acts of the present year.

Expenses of committees.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding three thousand dollars, being in addition to the several amounts heretofore appropriated for the same purpose.

Bureau of statistics of labor, No. 20 Beacon street.

For contingent expenses in the department of the bureau of statistics of labor, at house number twenty Beacon street, under the direction of the sergeant-at-arms, as

authorized by chapter one hundred and twenty-eight of the acts of the present year, a sum not exceeding five hundred dollars.

For incidental, contingent and office expenses of the chief and members of the state district police force, a sum not exceeding five hundred dollars, being in addition to the twenty-five hundred dollars appropriated by chapter thirteen of the acts of the present year.

Expenses of
state district
police.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1887.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF HOLYOKE. *Chap.318*

Be it enacted, etc., as follows:

SECTION 1. The clerk of the police court of Holyoke shall receive an annual salary of thirteen hundred dollars.

Salary
established.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1887.

AN ACT CONCERNING UNCLAIMED DEPOSITS IN SAVINGS BANKS. *Chap.319*

Be it enacted, etc., as follows:

SECTION 1. The treasurer of every savings bank shall within fifteen days after the last business day of October in the year eighteen hundred and eighty-seven, and every fifth year thereafter, return to the commissioners of savings banks a sworn statement containing the name, the amount standing to his credit, the last known place of residence or post-office address and the fact of death, if known to such treasurer, of every depositor who shall not have made a deposit therein or withdrawn therefrom any part of his deposit, or any part of the interest thereon, for a period of more than twenty years next preceding; and the treasurers of such savings banks shall give notice of these deposits in one or more newspapers published in or nearest to the city or town where such banks are located, at least once a week for three weeks in succession: *provided, however,* that this act shall not apply to the deposit made by or in the name of any person known to the bank to be living or to any deposit which, with the accumulations thereon, shall be less than twenty-five dollars.

Sworn state-
ment of un-
claimed
deposits in
savings banks to
be made to com-
missioners.

Notice to be
published in
newspapers.

Proviso.

SECTION 2. The commissioners of savings banks shall incorporate in their annual report, or in a supplementary

Returns to be
included in
commissioners'
report.

annual report, each return which shall have been made to them as provided in section one.

Penalty.

SECTION 3. The treasurer of any savings bank neglecting or refusing to make the sworn return required by section one shall be subject to a fine of one hundred dollars.

Approved May 27, 1887.

Chap.320 AN ACT TO PROHIBIT ADVERTISING THE BUSINESS OF PROCURING DIVORCES

Be it enacted, etc., as follows:

Advertising business of procuring divorces prohibited.

SECTION 1. Whoever writes, prints or publishes, or solicits another to write, print or publish, any notice, circular or advertisement soliciting employment in the business of procuring divorces, or offering inducements for the purpose of procuring such employment shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the house of correction for a term not exceeding six months.

Not to apply to attorneys at law.

SECTION 2. The provisions of section one of this act shall not apply to any person duly admitted as an attorney-at-law in this Commonwealth. *Approved May 27, 1887.*

Chap.321 AN ACT TO DEFINE AND ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF SANDWICH AND MASHPEE IN THE COUNTY OF BARNSTABLE.

Be it enacted, etc., as follows:

Boundary line between towns of Sandwich and Mashpee defined and established.

SECTION 1. The boundary line between the towns of Sandwich and Mashpee, in the county of Barnstable, is hereby defined and established as follows: — Beginning at a stone post, marked F on the south side and S on the north side, at the Falmouth line, standing on the westerly side of the road leading from Sandwich to Falmouth, and running thence northerly along the westerly side of said road eighty-two hundred and fifty feet to a stone post marked K, between the seventeenth and eighteenth sheep pasture lots; thence south fifty-seven degrees twenty-nine minutes east thirty-three feet across said road to a stone post marked S on the west side and M on the east side; thence northerly along the easterly side of said road eighty-two hundred and fifty feet to a stone post marked S on the west side and M on the east side; thence south fifty-one degrees twenty-nine minutes east forty-two hundred and seventy-seven feet to a stone post marked S on the west

side and M on the east side and standing near a large oak tree on the shore of Wakeby pond at the head of Pickerel cove, so called; thence easterly and northerly by the shore of said pond and in the waters thereof thirty hundred and sixteen feet to a stone post marked S on the southwest side and M on the northeast side and bearing north thirty-five degrees fifteen minutes east from the last mentioned post and twenty-three hundred and seventy-five feet distant therefrom, and standing at the southeast corner of land set to Bethia Hazzard in eighteen hundred and forty-two by the commissioners of partition of common lands of Mashpee; thence north forty-eight degrees thirty-five minutes west eight hundred and fifty-five feet to a stone post marked S on the west side and M on the east side and standing near the southeast corner of Pimlico pond; thence north eight degrees nineteen minutes east nineteen hundred and seventy feet to a stone post marked S on the northwest side and M on the southeast side and standing near Peters pond; thence south eighty-four degrees fifty-two minutes east fifty-two hundred and seventy-nine feet to a stone post marked S on the northwest side and M on the southeast side and standing in an old stump, being the well known northeast corner of Mashpee; thence south twenty-two degrees twenty-five minutes east eleven hundred and ninety-one feet to a stone post marked S on the east side and M on the west side at the old Sandwich road; thence south six degrees fifteen minutes west nine hundred and twenty-five feet to a stone post marked S on the east side and M on the west side and standing forty feet westerly from the junction of said old road and the road leading from Sandwich to Cotuit; thence on the westerly side of said Cotuit road south eight degrees west eleven hundred and forty-four feet to the corner formerly of Thomas T. Howland's land to a stone post marked S on the east side and M on the west side; thence by said Howland's land and fence north eighty-two degrees forty minutes west two hundred and twenty-three feet to a stone post marked S on the south side and M on the north side and standing near the shore of Wakeby pond; thence south forty-five degrees fifteen minutes west through the waters of said pond thirty-five hundred and seventeen feet to a stone post marked S on the east side and M on the west side and standing on the easterly side of Canaanmet neck, so called, near the

Boundary line defined.

shore of Wakeby pond; thence on the same course south forty-five degrees fifteen minutes west eight hundred and ninety-two feet across said neck to a stone post marked S on the east side and M on the west side and standing near the shore of Mashpee pond; thence south two degrees thirty minutes east nineteen hundred and fifty-seven feet through the waters of said pond to a stone post marked S on the northeast side and M on the southwest side and standing near the shore of said pond; thence south fifty-nine degrees thirty minutes east fifteen hundred feet to a stone post marked S on the west side and M on the southwest side and standing on the westerly side of the road leading from South Sandwich to Mashpee; thence on the westerly side of said road north thirty-eight degrees nineteen minutes east twenty-four hundred and forty-five feet to a stone post marked S on the north side and M on the southeast side; thence south sixty-seven degrees ten minutes east thirty-four hundred and fifty-eight feet to Five Mile Stone, so called, at the northwest corner of the town of Barnstable marked S on the north side, M on the south side and B on the east side.

Twelve acre lot annexed to Mashpee.

SECTION 2. That portion of the town of Sandwich situate within the town of Mashpee known as the twelve acre lot, owned by John Robin's heirs, Solomon Attequin and Adrian F. Thompson is hereby annexed to the town of Mashpee.

Costs and expenses to be paid equally by towns.

SECTION 3. The costs and expenses incurred in the establishment of the line hereby defined, and of erecting suitable monuments at the angles thereof shall be paid equally by said towns of Sandwich and Mashpee.

SECTION 4. This act shall take effect upon its passage.

Approved May 27, 1887.

Chap. 322

AN ACT TO INCLUDE THE TOWN OF EAST BRIDGEWATER WITHIN THE JUDICIAL DISTRICT OF THE POLICE COURT OF BROCKTON.

Be it enacted, etc., as follows:

East Bridgewater to be within jurisdiction of police court of Brockton.

SECTION 1. The town of East Bridgewater is hereby annexed to and made a part of the judicial district under the jurisdiction of the police court of the city of Brockton: *provided, however,* that nothing in this act shall affect any suit or other proceedings begun and pending at the time of its taking effect.

To take effect July 1, 1887.

SECTION 2. This act shall take effect upon the first day of July in the year eighteen hundred and eighty-seven.

Approved May 27, 1887.

AN ACT RELATIVE TO THE RIGHTS OF OWNERS OF REAL ESTATE *Chap.323*
IN THE MATTER OF THE GRANTING OF LIQUOR LICENSES.

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter one hundred of the Public Statutes is hereby amended by striking out the word "adjoining" in the third line, and inserting in place thereof the words: — within twenty-five feet of. Amendment to P. S. 100, § 7.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1887.

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO LAY SEWERS. *Chap.324*

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth is hereby authorized, by and through the agency of such persons or committee as it may elect or appoint, to lay, make and maintain all such main drains and common sewers as the town may authorize, through the ways and highways of said town, and through the lands of any persons or corporations, and may repair the same. Main drains and common sewers so laid shall be the property of the town. May maintain main drains and common sewers.

SECTION 2. The said town may take by purchase or otherwise and hold any lands, rights of way or easements necessary for the construction of said drains and common sewers. Said town shall, within sixty days after the taking of any lands, rights of way or easements otherwise than by purchase, file, or cause to be recorded in the registry of deeds for the county and district in which such lands or other property are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the persons or committee provided for in section one. May take lands, rights of way, etc.

SECTION 3. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way or easement, or by any other thing done by the town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of town ways. Town to pay damages.

Persons using main drains to pay for privilege.

SECTION 4. Every person who uses such main drains or common sewers in any manner shall pay for the permanent advantage to his estate such reasonable sum as the selectmen may determine: *provided*, that the assessment laid upon any persons using a private drain, common sewer or town drain now laid in said town, shall be for only such reasonable benefit as said private drain, common sewer or town drain may derive from the connection with the sewers and drains laid under the provisions of this act. If any of said private drains, common sewers or town drains are relaid or replaced under the provisions of this act, assessments may be made therefor as herein provided. Notice of any assessment shall be given in writing to the person to be charged. Any person aggrieved by the determination of a sum to be paid by him, may, within six months after notice of such determination, apply to the county commissioners for a revision thereof. If they reduce the amount, the town shall pay the costs of the application and hearing; otherwise said costs shall be paid by the applicant.

Parties aggrieved may apply to county commissioners for revision.

Sums due to constitute a lien upon estate.

SECTION 5. Sums due under the preceding section shall constitute a lien upon the real estate using such main drains or common sewers, to be collected in the same manner as taxes upon real estate, or in an action of contract in the name of the town.

Determination of proportion of cost to be paid by the town.

SECTION 6. Said town may by vote determine what proportion of the cost of the sewerage system it shall pay: *provided*, that it shall not pay more than one-third of the whole cost, except in addition it may pay for the same from the harbor to the junction of Long wharf and Water street.

Plymouth Sewer Loan not to exceed \$20,000.

SECTION 7. The said town may, for the purposes of paying the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate twenty thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Plymouth Sewer Loan, Act of 1887, shall be payable at the expiration of periods not exceeding twenty years from the date of issue, shall bear interest payable semi-annually, at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer and be countersigned by a majority of the board of selectmen of the town.

SECTION 8. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged at less than the par value thereof.

Town may sell securities at public or private sale.

SECTION 9. No such bonds, notes or scrip shall be issued unless the town, at the time of authorizing said loan, shall by a majority vote provide for the payment thereof in such annual payments, beginning with the issue of the bonds, as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby, less any sum in the hands of the treasurer received under section five, shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under section thirty-four of chapter eleven of the Public Statutes.

Payment to be provided for before bonds are issued.

SECTION 10. The return required by section ninety-one of chapter eleven of the Public Statutes shall state whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return to be made of action taken, etc.

SECTION 11. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any one year shall not exceed three: *provided, however*, that any system of sewage disposal under this act shall not be carried into operation until approved by the state board of health.

Subject to acceptance by a two-thirds vote.

Approved May 27, 1887.

AN ACT TO AUTHORIZE THE INTRODUCTION OF A POLICE SIGNAL SYSTEM IN THE CITY OF BOSTON.

Chap. 325

Be it enacted, etc., as follows:

SECTION 1. The board of police for the city of Boston is hereby authorized to introduce and maintain in the several police divisions of said city an electrical signal and telephonic system, and to provide such patrol wagons, horses, equipments and accommodations for the same as in the opinion of said board may be necessary for the purpose.

Board of police may provide a police signal system in Boston.

May draw money from the city to meet the expense.

SECTION 2. The said board of police is hereby authorized to draw from time to time upon the city treasurer of Boston for the money required to meet the expense of carrying out the provisions of the foregoing section, to an amount not exceeding seventy-five thousand dollars, and the city treasurer shall pay the same out of the receipts for liquor license fees which remain in the treasury of the city after the provisions of section fourteen of chapter one hundred of the Public Statutes have been complied with. The annual expense of maintaining said signal system shall be paid by the city treasurer upon the requisition of said board.

May attach wires to posts and structures.

SECTION 3. The board of police is hereby authorized to attach the wires and fixtures used in the police service to any posts and structures now erected or that may be hereafter erected in the city of Boston for the support of wires used in the transmission of electricity: *provided, however*, that such wires and fixtures shall not be attached to poles and structures belonging to the fire alarm department except by consent of the fire commissioners; and shall have the same privileges in respect to underground wires that are now or may be hereafter enjoyed by other departments of the public service.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved May 31, 1887.

Chap. 326

AN ACT TO AUTHORIZE THE CITY OF CHELSEA TO TAKE LAND FOR A RESERVOIR, PUMPING STATION, AND PUBLIC PARK, AND TO BORROW AND EXPEND MONEY THEREFOR.

Be it enacted, etc., as follows:

City of Chelsea may construct a reservoir on Powderhorn hill.

SECTION 1. The city of Chelsea is hereby authorized to construct a reservoir on Powderhorn hill, so called, in said city, of such capacity as the board of water commissioners of said city shall determine, for high water service; to lay out and construct a public park on said hill, around or in the vicinity of the reservoir; and to erect and maintain a pumping station to be used in connection with said high water service; and may take by purchase or otherwise and hold all such lands, rights of way or easements, wherever or however situated, as may be necessary for the purposes above stated, and may erect and maintain on the land thus taken or held, such proper fixtures and other structures, and may make such exca-

May take lands, etc.

vations, procure and operate such machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of a complete and effective high water service by means of said reservoir, pumping station or otherwise. And the said city may construct and lay down conduits, pipes, and other works, under and over any lands, water courses, railroads, or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same.

May lay down pipes, conduits, etc.

SECTION 2. The said city shall within sixty days after the taking of any lands, rights of way, or easements as aforesaid otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Suffolk a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken.

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

SECTION 3. The said city shall pay all damages sustained by any person or corporation in property by the taking of any lands, rights of way, or easements, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damage assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of such other injury under the authority of this act. But no such application shall be made after the expiration of said three years.

City to pay damages.

SECTION 4. All acts heretofore done by said city in the purchase of lands for the construction of a reservoir, pumping station, and for park purposes, and all things done by said city in connection therewith are hereby ratified and made lawful.

All acts heretofore done are ratified.

SECTION 5. All lands that have heretofore been or that shall hereafter be taken and held by purchase or otherwise by said city for the purposes of this act shall be held by said city in fee simple; and if at any time in the future said lands shall not be needed for the purposes specified in this act, then said city shall have the right to make use of them for any other lawful purpose, or to sell the same at public or private sale and convey the same, vesting in the purchaser or purchasers thereof a title in fee thereto.

Lands to be held in fee simple.

May borrow and
expend not ex-
ceeding \$60,000.

SECTION 6. For the purposes of this act, the said city is authorized to borrow and expend a sum not exceeding sixty thousand dollars.

SECTION 7. This act shall take effect upon its passage.

Approved May 31, 1887.

Chap.327

AN ACT TO PROVIDE AN ASSISTANT CLERK FOR THE MUNICIPAL COURT OF THE SOUTH BOSTON DISTRICT, IN THE CITY OF BOSTON, AND TO ESTABLISH THE SALARY OF SAID ASSISTANT CLERK.

Be it enacted, etc., as follows:

Assistant clerk
for the muni-
cipal court of
the South
Boston district
may be ap-
pointed.

SECTION 1. The clerk of the municipal court of the South Boston district, in the city of Boston, may appoint an assistant clerk, subject to the approval of the justices of said court or a majority of them, and said clerk shall be responsible for the doings of said assistant clerk and may remove him at pleasure. Said assistant clerk shall be sworn properly to perform the duties of his office, and his salary shall be six hundred dollars which shall be paid in the same manner as the salary of said clerk is now paid. Said assistant clerk shall have all the powers in said court that the first assistant clerk has in the municipal court of the city of Boston.

Salary.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1887.

Chap.328

AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF THE FIRST METHODIST EPISCOPAL CHURCH AND SOCIETY IN SALEM, TO CONFIRM CERTAIN PROCEEDINGS OF SAID CHURCH AND SOCIETY AND TO AUTHORIZE SAID CHURCH AND SOCIETY TO SELL ITS REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Name changed
to The Wesley
Methodist
Episcopal
Church of
Salem.

SECTION 1. The name of the Trustees of the First Methodist Episcopal Church and Society in Salem, incorporated by chapter one hundred and thirty of the acts of the year eighteen hundred and twenty-nine, approved March third, in the year eighteen hundred and twenty-nine is hereby changed to The Wesley Methodist Episcopal Church of Salem.

Acts confirmed.

SECTION 2. All acts done prior to the passage of this act by said church and society under the name of the Wesley Chapel of Salem shall have the same force and effect as if done under the name of the Trustees of the First Methodist Episcopal Church and Society in Salem.

SECTION 3. The Trustees of the First Methodist Episcopal Church and Society in Salem are hereby authorized to sell and convey by deed and bill of sale all its real and personal estate unto the trustees of The Wesley Methodist Episcopal Church of Salem.

Sale of estate authorized.

SECTION 4. This act shall take effect upon its passage.

Approved May 31, 1887.

AN ACT RELATING TO REGISTRATION OF NATURALIZED VOTERS. *Chap.329*

Be it enacted, etc., as follows :

SECTION 1. Section seven of chapter three hundred and forty-five of the acts of the year eighteen hundred and eighty-five is hereby repealed.

Repeal of 1885, 345, § 7.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1887.

AN ACT TO AMEND AN ACT TO SECURE UNIFORM AND PROPER MEAL TIMES FOR CHILDREN, YOUNG PERSONS AND WOMEN EMPLOYED IN FACTORIES AND WORKSHOPS. *Chap.330*

Be it enacted, etc., as follows :

SECTION 1. Chapter two hundred and fifteen of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out in the fifth section thereof all after the word "dollars," and by inserting in place thereof the following: — *provided, however,* that if any minor under eighteen years of age, or any woman, shall, without the orders, consent or knowledge of the employer, or of any superintendent, overseer, or other agent of the employer, labor in a factory or workshop during any part of any time allowed for dinner or for other meals in such factory or workshop, according to the notice required by law, and if a copy of such notice was posted in a conspicuous place in the room where such labor took place, together with a rule of the establishment forbidding such minor or woman to labor during such time, then neither the employer, nor any superintendent, overseer, or other agent of the employer, shall be held responsible for such labor.

Uniform and proper meal times for young persons and women in factories, etc. 1887, 215.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1887.

Chap.331 AN ACT TO AUTHORIZE THE SELECTMEN OF THE TOWN OF BROOKLINE TO LAY AND MAINTAIN A COMMON SEWER IN CHESTNUT STREET AND POND AVENUE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

May lay and maintain a common sewer.

SECTION 1. The selectmen of the town of Brookline are hereby authorized to lay and maintain a common sewer which shall extend from any point in Chestnut street in said town through a part of Chestnut street and Pond avenue in ward twenty-two in the city of Boston, to connect with a common sewer in Pond avenue in said town.

Assessment and collection of sewer assessments.

SECTION 2. All provisions of law now applicable to the assessment and collection of sewer assessments in said town of Brookline shall apply in said town to the sewer constructed under this act and to all sewers connected therewith, and the right of said selectmen to levy, and of the officers of said town to collect, all such assessments on property in said town shall not be impaired by reason of the fact that said sewer or a portion thereof lies within the limits of the city of Boston.

SECTION 3. This act shall take effect upon its passage.

Approved May 31, 1887.

Chap.332 AN ACT TO ENLARGE THE JURISDICTION OF THE SUPERIOR AND PROBATE COURTS.

Be it enacted, etc., as follows :

Superior court to have exclusive original jurisdiction of causes of divorce, etc.

SECTION 1. The superior court shall have exclusive original jurisdiction of all causes of divorce and nullity or validity of marriage, and in such proceedings shall have all powers as to alimony, the custody of children or otherwise which the supreme judicial court has heretofore had and exercised.

Probate court to have exclusive original jurisdiction of petitions of married women concerning their separate estate and care of minor children.

SECTION 2. The probate courts of the several counties shall have exclusive original jurisdiction of the petitions of married women concerning their separate estate, and of the petitions or applications concerning the care, custody, education and maintenance of minor children, provided for by sections thirty-one, thirty-two and thirty-six of chapter one hundred forty-seven of the Public Statutes.

Appeals to be taken to the superior court.

SECTION 3. All appeals from orders, sentences, decrees or denials of probate courts on petitions brought under section thirty-three of chapter one hundred and forty-

seven of the Public Statutes, and on petitions of married women concerning their separate estates, and on petitions concerning the care, custody, education and maintenance of minor children provided for by sections thirty-one, thirty-two and thirty-six of said chapter one hundred and forty-seven, shall hereafter be taken to the superior court, and all proceedings on such appeals shall be the same, so far as practicable, as are now provided by law on like appeals to the supreme judicial court.

SECTION 4. The supreme judicial court as a court of law, shall continue to have and exercise the same jurisdiction on exceptions, report, or otherwise, of questions of law arising in all said matters in the superior court as it has heretofore had and exercised of such questions arising in the supreme judicial court.

Supreme judicial court, as a court of law, to continue to exercise jurisdiction on exceptions, etc.

SECTION 5. This act shall not affect any case pending in the supreme judicial court at the time when it takes effect.

Pending cases not affected.

SECTION 6. The superior court shall establish all necessary rules to regulate the practice under this act.

Superior court to establish rules.

Approved May 31, 1887.

AN ACT TO AUTHORIZE THE TAKING OF A PORTION OF THE LAND OF THE MASSACHUSETTS REFORMATORY FOR HIGHWAY PURPOSES.

Chap. 333

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized to take a portion of the land of the Massachusetts reformatory, situated in the town of Concord, not exceeding seven hundred and fifty square feet, for the purpose of widening and altering a certain highway in said town upon the petition of the Middlesex Central Railroad Company now pending before said commissioners. For the land so taken the said commissioners shall award to the Commonwealth such damages as may seem to them adequate.

May take land of the Commonwealth in Concord for a highway.

Damages.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1887.

AN ACT RELATING TO THE EXAMINATION OF RAILROAD BRIDGES.

Chap. 334

Be it enacted, etc., as follows:

SECTION 1. Every railroad corporation shall, when requested by the railroad commissioners and at least once

Railroad bridges to be examined.

Reports to be submitted to commissioners.

in two years, have an examination of its bridges and the approaches thereto made by a competent and experienced engineer, who shall report to the corporation the results of his examinations, his conclusions and recommendations, and the corporation shall forthwith transmit a copy of the report to the board of railroad commissioners. The first report shall be made and transmitted to the board not later than the first day of November in the year eighteen hundred and eighty-seven, and subsequent reports shall be made and transmitted at intervals of not more than two years. When a railroad corporation builds a new bridge it shall forthwith have a report in like manner made and transmitted to the board. The reports shall furnish such information in such detail and with such drawings or prints as may be in writing requested by the board of railroad commissioners.

Competent experts to examine reports.

SECTION 2. The board of railroad commissioners shall employ one or more competent experts to examine such reports, and may make such further examination of the bridge structures as may be deemed necessary or expedient.

Frequent examinations may be made.

SECTION 3. Nothing herein contained shall be construed to exempt a corporation from making other and more frequent examinations of its bridges and the approaches thereto.

Expenses.

SECTION 4. The expenses incurred by the board of railroad commissioners under this act shall be defrayed in the manner set forth in section twelve of chapter one hundred and twelve of the Public Statutes.

Approved May 31, 1887.

Chap. 335 AN ACT IN ADDITION TO AN ACT RELATING TO THE REMOVAL AND TRANSPORTATION OF CERTAIN BODIES FOR BURIAL.

Be it enacted, etc., as follows:

Amendment to 1883, 124, § 2.

Section two of chapter one hundred and twenty-four of the acts of the year eighteen hundred and eighty-three is hereby amended by adding at the end thereof the following words, namely: — Any person violating the provisions of this section shall be punished by fine, not exceeding twenty-five dollars.

Penalty.

Approved May 31, 1887.

AN ACT TO PROVIDE OFFICES FOR AGENTS FOR AIDING DISCHARGED PRISONERS. *Chap.336*

Be it enacted, etc., as follows:

SECTION 1. The commissioners of prisons may provide offices in the city of Boston for the agents appointed by them under the provisions of chapter two hundred and nineteen of the Public Statutes for aiding prisoners discharged from the state prison, and for aiding discharged female prisoners, and the rent of said offices shall be paid from the appropriations for rendering aid to such prisoners. Offices for agents.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1887.

AN ACT TO INCORPORATE THE HAMPDEN LOAN AND TRUST COMPANY. *Chap.337*

Be it enacted, etc., as follows:

SECTION 1. Emerson Gaylord, Henry S. Hyde, Henry M. Phillips, Edward H. Lathrop, William H. Wright, Daniel J. Marsh, Charles A. Kibbe, their associates and successors, are hereby made a corporation by the name of the Hampden Loan and Trust Company, to be located at Springfield, for the purpose of receiving on deposit, storage or otherwise, moneys, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, including deposits of money or property from savings banks and trust companies, which they are hereby authorized to make, upon such terms or conditions as may be obtained or agreed upon, and of investing moneys so received, and at the request of any depositor of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, and for the purpose of loaning or advancing money or credits on real and personal security, on terms that may be agreed upon; and all the powers and privileges necessary for the execution of these purposes are granted, subject, nevertheless, to the duties and restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes and in all the general laws which now are Hampden Loan and Trust Company incorporated.

or hereafter may be in force in relation to such corporations.

Reserve, to be at least fifteen per cent. of deposits withdrawable on demand.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, or balances, payable on demand, due from any national bank doing business in this Commonwealth, or in any other trust company established under the laws of and doing business within the Commonwealth, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below said per centum of such deposits, it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: *provided*, that in lieu of lawful money one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth, or in any other trust company established under the laws of and doing business within the Commonwealth, and one-third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation.

Proviso.

Court may order moneys, etc., under its control to be deposited, etc.

SECTION 3. Any court of law or equity, including courts of probate and insolvency of this state, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or property received under the provisions of this section shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or cities or counties or towns thereof, or of the states of Illinois, Iowa, Michigan, Minnesota, Wisconsin, or the

Investment of such property held in trust or on deposit.

cities or counties thereof, or stocks of state or national banks organized within this Commonwealth, or in the first mortgage bonds of any railroad company incorporated by any of the New England states which has earned and paid regular dividends on its stocks for two years next preceding such loan or investment, or in the bonds of any such railroad company unencumbered by mortgages, or in first mortgages on real estate in this Commonwealth, or in any securities in which savings banks are allowed to invest, or upon notes, with two sureties, of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgages or by levy of execution shall be sold at public auction within two years after such foreclosure or levy: *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, and the investment or loans of them, shall be especially appropriated to the security and payment of such deposits and not to be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department into which all business authorized by this section shall be kept separate and distinct from its general business.

Real estate acquired by foreclosure or by levy to be sold within five years.

SECTION 4. Said corporation may also be appointed executor under any will, or trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, hereafter referred to, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation by any officer thereof duly authorized by it, and the answers and examinations, under oath, of such

May be appointed trustee under any will or instrument creating a trust.

officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys or to execute any trust, contrary to its own desire

Not to be required to hold property against its own desire.

Investment of trust property.

SECTION 5. In the management of money and property held by it as executor or trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company referred to in section three of this act: *provided*, that it shall be competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

Moneys received under fourth and fifth sections not to be mingled with investments of capital stock, etc.

SECTION 6. No money, property or securities received or held by said company under the provisions of sections four and five of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Limit of liability to corporation.

SECTION 7. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall at no time exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up, and one-tenth part of its deposits. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

To make semi-annual returns to commissioners of savings banks.

SECTION 8. Said corporation shall semi-annually make a return to the commissioners of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said returns shall specify the following, namely: Capital stock; amount of

all moneys and property in detail in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; funds held on trust or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns thereof, or of the states of Illinois, Iowa, Michigan, Minnesota and Wisconsin or the cities or counties thereof, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations, stating amount in each; loans on notes of individuals; loans on mortgages of real estate; cash on hand; all as existing at the date of making such returns, with the rate, amount and date of dividends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Such returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper in the city of Springfield at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners.

Commissioners to have access to vaults, books and papers.

Returns to be in form of a trial balance of books.

SECTION 9. Said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes, and any acts now existing, or which may hereafter be passed, in amendment or lieu thereof.

Subject to provisions of P. S. 13.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in

To make annual return to tax commissioner of property held in trust.

this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities or towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes and acts in amendment thereof, for corporations failing to make returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

To make annual return to tax commissioner of all sums deposited on interest or for investment.

SECTION 11. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the tenth and thirteenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits of three-fourths the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Taxes not to be assessed in towns, etc., where beneficiaries reside.

SECTION 12. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect to any such property held in trust or any such amounts deposited on interest or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for

beneficiaries and persons residing in such cities and towns respectively ; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections one, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of the Public Statutes and acts in amendment or lieu thereof, so far as the same are applicable thereto.

SECTION 13. Deposits with said corporation, which can be withdrawn on demand or within ten days, shall, for the purposes of taxation, be deemed money in possession of the persons to whom the same is payable.

Taxation of deposits withdrawable on demand.

SECTION 14. The said corporation is also authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon, and may also act as trustee or financial or other agent for any person or firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans and to sell and negotiate the sale of securities, notes or other evidences of indebtedness, on such terms as may be agreed upon, and to receive and make payments on account of the same, and to receive money and invest the same, and may also act as trustee for the bondholders of corporations, and to this end is empowered to receive transfers of real and personal property upon such terms as may be agreed upon.

May act as agent for issuing and registering bonds, etc.

SECTION 15. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding five hundred thousand dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in, in cash.

Capital stock.

SECTION 16. The shareholders of said corporation shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions

Liability of shareholders.

contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one inclusive, shall apply to and regulate the enforcement of this liability.

Shares to be assignable and transferable.

SECTION 17. The shares of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall, for that purpose, ordain and establish, and not otherwise.

SECTION 18. This act shall take effect upon its passage.

Approved June 1, 1887.

Chap.338 AN ACT RELATIVE TO THE ABATEMENT OF CERTAIN NUISANCES BY BOARDS OF HEALTH.

Be it enacted, etc., as follows:

Abatement of nuisances by boards of health.
P. S. 80, § 23.

SECTION 1. Section twenty-eight of chapter eighty of the Public Statutes is hereby amended by adding at the end thereof the following:— but no such nuisance shall be abated by a board of health or health officer of a city or town without a previous appropriation therefor by such city or town if the expense of such abatement will exceed the sum of two thousand dollars.

Right of appeal to the superior court.

SECTION 2. Any person entitled to notice of the time and place of hearing upon a petition to the board of health or health officer, under the provisions of section twenty-eight of chapter eighty of the Public Statutes as prescribed by section thirty of said chapter, who is aggrieved by the decision of such board or health officer that the land described in such petition is a nuisance, may appeal therefrom to the superior court, who may hear and determine the matter of such appeal, and during such appeal all proceedings in regard to such nuisance by such board or health officer shall be stayed. The party so appealing shall within twenty-four hours after such decision give written notice to said board or health officer of his intention so to appeal and within seven days shall present a petition to the superior court setting forth the grievances complained of, and the action of the board of health or health officer thereon, and shall thereupon enter into such recognizance before said court in such sum and with such surety or sureties as shall be ordered.

Amendment to P. S. 80, § 32.

SECTION 3. Section thirty-two of said chapter eighty is hereby amended by striking out the following clause at the end thereof: “ And shall be liable to abatement

as other taxes now are," and inserting in place thereof the following:—Any person aggrieved by the assessment so made may at any time within three months after receiving notice thereof, apply for a jury; such application shall be made in like manner and the proceedings thereon shall be the same as in case of lands taken for laying out of highways: *provided*, that before making his application, the party shall give one month's notice in writing to the selectmen or mayor and aldermen of his intention so to apply, and shall therein particularly specify his objections to the assessment, to which specification he shall be confined upon the hearing by the jury.

Parties aggrieved may apply for a jury.

SECTION 4. This act shall take effect upon its passage.

Approved June 1, 1887.

AN ACT TO PROHIBIT THE ILLICIT CONVEYANCE OF ARTICLES INTO OR FROM THE MASSACHUSETTS REFORMATORY.

Chap.339

Be it enacted, etc., as follows:

SECTION 1. Whoever delivers or procures to be delivered, or has in his possession with intent to deliver, to a convict confined in the Massachusetts reformatory, or deposits or conceals in or about the reformatory or the dependencies thereof, or upon any lands appurtenant thereto, or in any boat, carriage or other vehicle going into the premises belonging to the reformatory, any article or thing, with intent that a convict confined in the reformatory shall obtain or receive the same, and whoever receives from a convict any article or thing with intent to convey the same out of the reformatory, contrary to the rules and regulations thereof, and without the knowledge and permission of the superintendent of said reformatory, shall be punished by imprisonment in the state prison or jail not exceeding three years, or by fine not exceeding five hundred dollars.

Illicit conveyance of articles into or from the Massachusetts reformatory.

Penalty.

SECTION 2. This act shall take effect upon its passage.

Approved June 1, 1887.

AN ACT RELATING TO VOLUNTARY ASSIGNMENTS BY INSOLVENT PERSONS.

Chap.340

Be it enacted, etc., as follows:

SECTION 1. When a debtor residing in this Commonwealth has made an assignment to trustees for the benefit of his creditors of all his property and estate wherever

Voluntary assignments by insolvent persons.

situated, within or without this Commonwealth, excepting only such as is by the law of this Commonwealth exempt from attachment, and has, in said assignment, provided for the distribution of his property and estate and the proceeds thereof in substantial conformity with the provisions of the law concerning insolvent debtors, and when a majority in number and value of those creditors of such debtor whose claims are neither secured nor privileged under the laws relating to insolvent debtors, have assented in writing to such assignment, all acts of the trustees thereunder, in protecting and caring for the property and in converting the same into money, done in good faith, and with reasonable judgment and discretion, shall be valid, notwithstanding subsequent proceedings in insolvency by or against the said debtor; and the assignees in insolvency of the estate of such debtor, if the assignment shall be voidable by them, shall be entitled to recover the net amount of the money received for, or the price of, such property so sold and converted instead of the property itself.

Trustees to notify all known creditors.

SECTION 2. The trustees named in said assignment shall, before proceeding to act and immediately on the acceptance of their trust, give notice in writing by mail or otherwise, to all known creditors of the debtor, of such assignment and their acceptance thereof.

Approved June 1, 1887.

Chap.341 AN ACT TO ESTABLISH THE SALARIES OF THE SUPERINTENDENT AND THE CLERK OF THE REFORMATORY PRISON FOR WOMEN.

Be it enacted, etc., as follows:

Salary of superintendent.

SECTION 1. The salary of the superintendent of the reformatory prison for women, beginning with the first day of January in the year eighteen hundred and eighty-seven, shall be two thousand dollars per annum.

Salary of clerk.

SECTION 2. The salary of the clerk of the reformatory prison for women, beginning with the first day of January in the year eighteen hundred and eighty-seven, shall be eight hundred dollars per annum.

SECTION 3. This act shall take effect upon its passage.

Approved June 1, 1887.

AN ACT TO FIX THE SALARIES OF THE DEPUTY TAX COMMISSIONER AND COMMISSIONER OF CORPORATIONS AND THE PERSONS EMPLOYED IN HIS DEPARTMENT. *Chap.342*

Be it enacted, etc., as follows :

SECTION 1. The salary of the deputy tax commissioner and commissioner of corporations shall be three thousand dollars a year, and the same shall be in full compensation for the duties of both offices. Salary of deputy tax commissioner.

SECTION 2. The salary of the first clerk in the office of the deputy tax commissioner shall be two thousand dollars a year, and of the second clerk fifteen hundred dollars a year. Such additional clerks and other assistance as may be necessary for the despatch of public business may also be employed in said office at an expense not exceeding fourteen thousand dollars a year. Salaries of clerks.

SECTION 3. So much of sections one and two of chapter thirteen of the Public Statutes as are inconsistent with this act are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved June 1, 1887.

AN ACT TO REPEAL CHAPTER THIRTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX RELATING TO THE EEL FISHERIES IN JONES RIVER IN THE TOWN OF KINGSTON. *Chap.343*

Be it enacted, etc., as follows :

SECTION 1. Chapter thirty-two of the acts of the year eighteen hundred and seventy-six entitled "An act to preserve the eel fisheries in Jones river in the town of Kingston" is hereby repealed. Repeal of 1876, 32.

SECTION 2. This act shall take effect upon its passage.

Approved June 1, 1887.

AN ACT TO CHANGE THE HARBOR LINE ON THE CHELSEA SIDE OF MYSTIC RIVER AND CHELSEA CREEK BETWEEN CHELSEA BRIDGE AND MERIDIAN STREET BRIDGE, AND TO LEGALIZE CERTAIN STRUCTURES THERE LOCATED. *Chap.344*

Be it enacted, etc., as follows :

SECTION 1. The harbor line on the Chelsea side of Mystic river and Chelsea creek, between Chelsea bridge and Meridian street bridge, is hereby changed and estab- Harbor line changed.

lished as follows:— Beginning at a point on the southeasterly side of Chelsea bridge at the southeasterly corner of the solid portion of said bridge as now built at the Chelsea end thereof; thence running southeasterly down Mystic river, making an angle of seventy-three degrees and six minutes, taken from a southwesterly to a southeasterly direction, with the southeasterly side of said bridge, and passing through the southwesterly corner of Black's wharf, six hundred and ninety-seven and fifty-seven one-hundredths feet to a point at or near the angle of junction of Chelsea creek with Mystic river; thence turning seventy-eight degrees fifty-eight minutes and eleven seconds to the east and north and running northeasterly up Chelsea creek, passing through the southeasterly corners of Gerrish's wharf and Bisbee's wharf, fourteen hundred and ninety-six and three one-hundredths feet to a point on the westerly side of Meridian street bridge marked by an iron plate and copper tack and distant twenty-three and three-tenths feet southerly from the abutment of said bridge at the Chelsea end thereof. So much of section two of chapter two hundred and four of the acts of the year eighteen hundred and forty-nine, and of section three of chapter two hundred and ninety-three of the acts of the year eighteen hundred and fifty-six, as establishes a different harbor line upon the frontage covered by this act, is hereby repealed.

No structure to be built beyond the line established.

SECTION 2. No wharf or other structure shall ever hereafter be built or extended into tide water beyond the line aforesaid; nor shall any wharf or other structure be built or extended in tide water on the inner side of said line without authority therefor first obtained in due form of law: *provided, however*, that structures heretofore built within said line without such authority may be legalized by license of the board of harbor and land commissioners to maintain the same, which may be granted by said board subject to the provisions of chapter nineteen of the Public Statutes in respect to the licensing and erection of structures in tide waters.

SECTION 3. This act shall take effect upon its passage.

Approved June 1, 1887.

AN ACT AUTHORIZING CITIES TO APPROPRIATE MONEY FOR THE
ENFORCEMENT OF THE PROVISIONS OF LAW RELATING TO CIVIL
SERVICE. Chap.345

Be it enacted, etc., as follows:

SECTION 1. Any city may appropriate such sum of money as is necessary to provide for the full enforcement therein of all provisions of law relating to the civil service of the cities of the Commonwealth. Appropriation
by cities for
enforcement of
civil service
law.

SECTION 2. This act shall take effect upon its passage.

Approved June 1, 1887.

AN ACT CONCERNING COMMITMENTS AND TRANSFERS OF THE
INSANE. Chap.346

Be it enacted, etc., as follows:

SECTION 1. On and after the first day of July in the year eighteen hundred and eighty-seven, the four state lunatic hospitals at Danvers, Worcester, Taunton and Northampton shall except as hereinafter provided receive new commitments only from the following districts, namely: — The Danvers hospital from a district including the county of Essex, and the towns of Dracut, Chelmsford, Tewksbury, Billerica, Bedford, Burlington, Wilmington, Woburn, Winchester, Arlington, Medford, Everett, Melrose, Stoneham, Reading, North Reading and Wakefield, and the cities of Lowell, Malden and Somerville in the county of Middlesex; — the Worcester hospital from a district including all of Middlesex county not hereinbefore enumerated, the county of Worcester, and the towns of Brookline, Needham, Dover, Medway, Franklin and Bellingham in the county of Norfolk; — the Northampton hospital from a district including the counties of Berkshire, Franklin, Hampden and Hampshire; — and the Taunton hospital from a district including the counties of Barnstable, Bristol, Dukes, Nantucket, Plymouth and so much of Norfolk county as is not included in the Worcester district: *provided, however*, that the insane within the county of Suffolk may be committed alternately and in equal numbers to the state lunatic hospitals at Danvers, Taunton, Worcester, the Westborough insane hospital, and the Boston lunatic hospital at South Boston; omitting from the enumeration such insane persons as upon request of their friends shall be sent to the West-

Commitments
and transfers
of the insane.

borough insane hospital, the McLean asylum, or any duly authorized private asylum; and *provided, further*, that persons maintained by their own property, or that of their friends, may be sent, at the discretion of the committing magistrate, to any hospital or asylum in the Commonwealth.

State board of lunacy and charity may enforce provisions of act.

SECTION 2. The state board of lunacy and charity shall have power to enforce the provisions of this act, by notifications sent to the committing magistrates, or otherwise; and may for sufficient reasons exempt cities, towns or individuals from its operation, when hardship would in the opinion of said board result therefrom; and for this purpose, may transfer patients from any of the hospitals above named to other hospitals or asylums, or to private dwellings within the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved June 1, 1887.

Chap.347 AN ACT IN RELATION TO A CHANGE OF VENUE IN CIVIL ACTIONS.

Be it enacted, etc., as follows:

Change of venue in civil actions.

SECTION 1. In all actions and proceedings hereafter pending in the supreme judicial or superior court, whenever it shall be made to appear to the satisfaction of any justice of the court, in which such action or proceeding is pending, that by reason of local prejudice or other cause the parties to such action or proceeding, or either of them cannot have an impartial trial in the county where the same was commenced and is pending, the court may on application of either party thereto, order such action or proceeding to be removed for trial to such other county as shall be deemed most fair and equitable for the parties thereto; and upon such order being entered in any action or proceeding the clerk of the court wherein the same was begun and is pending shall forthwith transmit to the clerk of the court for the county to which said action or proceeding shall have been ordered to be removed, the writ, petition, or original prayer and all other papers in the case, with a duly certified copy of said order. It shall be the duty of the clerk receiving the same forthwith to enter the same on the docket of the said court for the county to which said action or proceeding is removed, and the case shall thereupon proceed in all respects as if the same had been originally entered in said county, and all prior pro-

ceedings otherwise regularly taken shall thereafter be valid. *SITE*

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1887.

AN ACT IN RELATION TO FENCES AND OTHER STRUCTURES ERECTED
TO ANNOY, AND FOR THE ABATEMENT OF NUISANCES

Chap.348

Be it enacted, etc., as follows:

SECTION 1. Any fence or other structure in the nature of a fence, unnecessarily exceeding six feet in height, maliciously erected or maintained for the purpose of annoying the owners or occupants of adjoining property, shall be deemed a private nuisance.

High fences maliciously erected deemed private nuisances.

SECTION 2. Any such owner or occupant, injured either in his comfort or the enjoyment of his estate by such nuisance, may have an action of tort for the damage sustained thereby, and the provisions of chapter one hundred and eighty of the Public Statutes concerning actions for private nuisances shall be applicable thereto.

Remedy in action of tort for damages sustained.

Approved June 2, 1887.

AN ACT TO AUTHORIZE THE SAINT JOHN'S LITERARY INSTITUTE IN
CAMBRIDGE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap.349

Be it enacted, etc., as follows:

SECTION 1. The Saint John's Literary Institute in Cambridge, a corporation established by chapter one hundred of the acts of the year eighteen hundred and sixty-nine, is hereby authorized to hold real and personal estate to an amount not exceeding fifty thousand dollars.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1887.

AN ACT TO AUTHORIZE THE SHARON WATER COMPANY TO INCREASE
ITS CAPITAL STOCK AND TO ISSUE BONDS AND SECURE THE
SAME BY MORTGAGE ON ITS FRANCHISE AND OTHER PROPERTY,

Chap.350

Be it enacted, etc., as follows:

The Sharon Water Company may for the purposes of its incorporation increase its capital stock to the amount of one hundred thousand dollars; and may issue bonds and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May increase capital stock.

Approved June 2, 1887.

Chap.351 AN ACT AUTHORIZING THE TAKING OF THE REMAINING PORTION
OF THE OLD CEMETERY IN THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

Old Colony
Railroad may
take the Old
Cemetery lot in
Fairhaven.

Remains of the
dead to be
removed.

Removals to be
made under the
direction of the
selectmen.

Damages.

SECTION 1. The Old Colony Railroad Company may take the remaining portion of the Old Cemetery lot, so called, in the town of Fairhaven, bounded south by land of said company, east by Fort street, north by Williams street and land of one Marston, and west by land of Isabella Wrightington, for the purpose of making and securing its road, and for depot and station purposes, by filing a location thereof with the county commissioners in the form required by law for railroad locations. But no tomb or burial lot containing the remains of the dead shall be entered upon for such purposes until such remains and the monuments and headstones marking them shall have been removed by said company to such other suitable burial place in the town of Fairhaven as the selectmen of said town may designate, or to such other suitable burial place in said town as the relatives of those whose remains are so buried may provide, without expense to the owner of such tomb or burial lot.

SECTION 2. The removals aforesaid shall be made only after thirty days' notice in some newspaper published in the city of New Bedford and shall be made under the supervision of the selectmen of Fairhaven; the remains shall be reinterred in a proper and suitable manner, and a plan of the ground in the burial place designated by said selectmen to which such remains shall be removed, showing the position of all the known dead so removed, shall be made and filed in the office of the town clerk of Fairhaven for future reference.

SECTION 3. In the exercise of the powers granted by this act, said Old Colony Railroad Company, and any person who shall sustain any damage in their property, shall have all the rights, privileges, powers and remedies, and be subject to all the duties, liabilities and restrictions provided by the general laws of the Commonwealth relating to railroads.

SECTION 4. This act shall take effect upon its passage.

Approved June 3, 1887.

AN ACT TO AUTHORIZE THE BOSTON AND ALBANY RAILROAD
COMPANY TO LOCATE A PART OF ITS ROAD IN THE CITY OF
SPRINGFIELD. *Chap. 352*

Be it enacted, etc., as follows :

SECTION 1. The Boston and Albany Railroad Company may locate its road on the whole or any part of that parcel of land in the city of Springfield bounded and described as follows, and whether owned by it or not: — Easterly by Chestnut street; westerly by the Connecticut river; northerly by a line beginning at the intersection of the dividing line between land of the said Boston and Albany Railroad Company and land now or formerly of Day and Jobson with the westerly line of said Chestnut street; thence running westerly by the northerly boundary line of said railroad company's land three hundred and sixty-seven and five-tenths feet; thence turning at a right angle and running northerly thirty-seven feet; thence turning at a right angle and running westerly eighty-one feet; thence turning and running northerly by land now or formerly of Wright and Emerson about one hundred and thirty and three-tenths feet to Liberty street; thence running westerly by said Liberty street about seven hundred and fifteen feet to land now or formerly of H. W. Pearl; thence running southerly by land of said Pearl one hundred and fifty and thirty-nine one-hundredths feet to the southerly line of Commercial row, so called; thence running westerly by the southerly line of said Commercial row to Main street; thence across said Main street to the westerly side thereof; thence northerly by the westerly side of said Main street about forty-three feet; thence running westerly by the southerly end of the office building, so called, and the southerly end of the car repair shop, both buildings belonging to said railroad company, about nine hundred and fifty feet to said Connecticut river. Southerly by a line beginning at the northwesterly corner of Chestnut and Lyman streets; thence running westerly by said Lyman street about twelve hundred and thirteen feet to land of the Agawam bank; thence running northerly by land of said Agawam bank and others about one hundred and two feet to land of the said Boston and Albany Railroad Company; thence running westerly by the southerly boundary line of said railroad company's land about one hundred and four feet to Main street;

Location of the
Boston and
Albany Rail-
road in Spring-
field.

thence across said Main street to the northerly line of Railroad row, so called; thence westerly by the northerly line of said Railroad row and by the southerly line of said railroad company's land about nine hundred and sixty feet to the Connecticut river.

Damages.

SECTION 2. All damages caused by said location shall be collected in the manner prescribed by sections ninety-five to one hundred and one, inclusive, of chapter one hundred and twelve of the Public Statutes.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1887.

Chap.353

AN ACT TO INCORPORATE THE CHICOPEE FALLS BUILDING COMPANY.

Be it enacted, etc., as follows:

Chicopee Falls Building Company incorporated.

SECTION 1. George S. Taylor, James E. Taylor, Arthur B. West and George A. Clark, their associates and successors, are hereby made a corporation for the term of twenty-five years by the name of the Chicopee Falls Building Company. Said corporation shall have the power to purchase all or any part of that tract of land situated in the village of Chicopee Falls in the town of Chicopee, bounded westerly by Springfield street; northerly by lands now or formerly of Leonard, of Rist, and of Osborne; easterly by land now or formerly of Osborne; southerly by lands of Hendrick and of the Chicopee Manufacturing Company; containing about twenty acres, and shall have all the powers, rights and privileges and be subject to all the duties, limitations and restrictions prescribed in chapters one hundred and five and one hundred and six of the Public Statutes and in all general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

May sell and otherwise dispose of corporate property.

SECTION 2. The said corporation shall have power to sell, lease, mortgage and otherwise dispose of its corporate property and any part thereof, and to erect buildings, dwelling-houses and other structures on said land and otherwise improve the same as may be deemed expedient.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed twenty-five thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 4. This act shall take effect upon its passage.

Approved June 3, 1887.

AN ACT TO AMEND AN ACT TO ESTABLISH THE BOUNDARY LINE *Chap. 354*
 BETWEEN THE TOWNS OF ROCHESTER AND WAREHAM.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter twenty-one of the acts of the year eighteen hundred and sixty-six is hereby amended so as to read as follows:—The boundary line between the towns of Rochester and Wareham shall henceforth be established as follows: Beginning on the westerly line of the old Plymouth county road, so called, opposite to and forty feet distant from a stone monument standing at the intersection of Marion, Rochester and Wareham; thence running on the westerly side of said road north twenty-eight and three-fourths degrees east five hundred and fifty feet; thence north thirty-six and three-fourths degrees east five hundred and seventy-five feet; thence north thirty-four degrees east three hundred feet; thence north thirty-nine degrees east two hundred and twenty-five feet; thence north twenty-seven and three-fourths degrees east two hundred and fifty feet; thence north thirty-nine degrees east one hundred and thirty-two feet; thence north twenty-six degrees east six hundred and seventy feet; thence north thirty-three and one-fourth degrees east two hundred and seventy-three feet; thence north twenty-nine and one-fourth degrees east three hundred and thirty-two feet; thence north twelve and one-fourth degrees east one hundred and sixty-eight feet; thence north four and one-half degrees west one hundred and seventy-five feet; thence north eighteen and one-fourth degrees west one hundred and fifty feet; thence north one-half degree west two hundred and fifty feet; thence north thirteen and one-half degrees west three hundred and seventy-five feet; thence north five degrees east three hundred feet; thence north twelve and three-fourths degrees east six hundred and sixty-two feet; thence north three degrees east one hundred and seventy-five feet; thence north eleven and one-fourth degrees east three hundred and fifty-three feet; thence north nine degrees west two hundred and fifty feet; thence north three degrees west four hundred feet; thence north two degrees east three hundred feet; thence north two and one-half degrees west three hundred and twenty-five feet to a stone monument marked R and W standing at the junction of the Pierceville road, so called; thence north eight degrees

Boundary line
 between
 Rochester and
 Wareham.

Boundary line
between
Rochester and
Wareham.

east two thousand one hundred and four feet to a stone monument marked R and W; thence across said old Plymouth county road south eighty-three and one-half degrees east forty-five feet to a stone monument marked R and W; thence running on the easterly side of said old Plymouth county road, north five degrees and thirty minutes east two hundred and ninety-five feet; thence north one degree and forty-five minutes west three hundred and sixteen feet; thence north seven degrees and thirty minutes west two hundred and twenty-five feet; thence north fifteen degrees and fifteen minutes west one hundred feet; thence north eighteen degrees and forty minutes west one hundred and ninety-six feet; thence north one degree and ten minutes west three hundred and thirty-one feet; thence north six degrees and thirty minutes east seven hundred and fourteen feet; thence north fifteen degrees and fifteen minutes east four hundred and thirty-six feet; thence north twenty-six degrees and ten minutes east four hundred and thirty-two feet; thence north twenty-two degrees and fifty minutes east one hundred and fifty-six feet; thence north fourteen degrees and forty-five minutes east seventy-nine feet; thence north three degrees and thirty minutes east three hundred feet; thence north sixteen degrees and thirty minutes east five hundred feet; thence north fifty-nine degrees and thirty minutes east four hundred feet; thence north sixty-eight degrees and forty-five minutes east seventy-seven feet; thence north fifty-two degrees east sixty feet; thence north thirty-eight degrees and fifty minutes east two hundred and eighty-three feet; thence north forty degrees east eight hundred and fifty feet; thence north forty-nine degrees and fifteen minutes east ninety-one feet; thence north fifty-five degrees east two hundred and thirty feet; thence north forty-three degrees east two hundred feet; thence north twenty-three degrees and thirty minutes east two hundred and fifty feet; thence north eighteen degrees and thirty minutes east three hundred feet; thence north twenty-three degrees and fifteen minutes east two hundred and fifty feet; thence north thirty-three degrees and thirty minutes east two hundred and fifty feet; thence north twenty-five degrees east one hundred and fifty feet; thence north fifteen degrees east three hundred feet; thence north ten degrees and thirty minutes east nine hundred feet; thence north fifteen degrees east two hun-

dred feet to a stone monument between Rochester and Wareham on the Middleborough town line. The courses from Marion line to the Pierceville road being the same as recorded in chapter twenty-one of the acts of the year eighteen hundred and sixty-six.

SECTION 2. The costs and expenses incurred in the establishment of the line defined in the preceding section and of erecting suitable monuments at the angles thereof shall be paid equally by said towns of Rochester and Wareham.

Costs and expenses to be paid equally by towns.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1887.

AN ACT IN RELATION TO THE REMOVAL OF SUBORDINATE OFFICERS OF THE STATE PRISON. *Chap.355*

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter two hundred and twenty-one of the Public Statutes is hereby amended so as to read as follows: — The deputy warden and all other officers except the assistant watchmen shall be appointed by the warden, subject to the approval of the commissioners, and shall hold their offices during the pleasure of the warden and commissioners. In case of a disagreement between the warden and the commissioners in relation to the removal of any officer, the warden may appeal to the governor and council, who, after reasonable notice to the commissioners and hearing, may make such removal. The assistant watchmen shall be appointed by the warden, and shall hold office during his pleasure. The warden shall immediately report to the commissioners all appointments made by him.

Removal of subordinate officers of the state prison.

SECTION 2. Section two of chapter two hundred and three of the acts of the year eighteen hundred and eighty-two is hereby repealed.

Repeal of 1882, 203, § 2.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1887.

AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO SUPPLY WATER TO THE CLARK'S COVE GUANO COMPANY. *Chap.356*

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford is authorized and empowered to furnish a supply of water from its water system to the Clark's Cove Guano Company on such

May supply water to Clark's Cove Guano Company.

terms and conditions as may be agreed upon by the water board of said city and said company: *provided*, that such supply shall at all times be subject to the control and direction of said water board.

Subject to
acceptance by a
majority vote.

SECTION 2. This act shall take effect upon its acceptance by a majority of the voters of said city present and voting thereon at a meeting called for that purpose on the day of the next annual state election.

Approved June 3, 1887.

Chap.357 AN ACT TO AMEND THE CHARTER OF THE CITY OF HAVERHILL CONCERNING THE TENURE OF OFFICE OF MEMBERS OF THE REGULAR POLICE FORCE.

Be it enacted, etc., as follows:

Tenure of office.

SECTION 1. Section twelve of chapter sixty-one of the acts of the year eighteen hundred and sixty-nine is hereby amended by inserting after the word "pleasure" in the ninth line thereof the following words:—*provided* that all members of the regular police force except the city marshal shall hold their respective offices until they resign therefrom or are removed by the mayor and aldermen for sufficient cause and after a due hearing.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1887.

Chap.358 AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF THE METHODIST EPISCOPAL CHURCH IN READING.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The corporation known by the name of the Trustees of the Methodist Episcopal Church in Reading shall hereafter be known by the name of the Old South Methodist Episcopal Church in Reading.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1887.

Chap.359 AN ACT TO INCORPORATE THE FIRST CONGREGATIONAL CHURCH IN AYER.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Benjamin H. Hartwell, Levi Wallace, Edwin H. Hayward, Augustus Lovejoy, Harrison D. Evans, Clark A. Batchelder, Martha D. Waters, Sultina J. Sawtell, Miriam H. Willard and all other members of the Orthodox Congregational Church of Ayer and their

successors as members of the First Congregational Church in Ayer are hereby made a corporation with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to religious societies.

Powers and duties.

SECTION 2. Said corporation shall be called the First Congregational Church in Ayer.

Name.

SECTION 3. All persons becoming members of said corporation shall continue so to be, and entitled to vote in all its meetings until their membership in said church shall terminate in accordance with its rules and regulations.

Membership.

SECTION 4. Said corporation may hold real and personal estate to an amount not exceeding twenty-five thousand dollars for parochial and religious purposes.

Real and personal estate not to exceed \$25,000.

SECTION 5. This act shall take effect upon its passage.

Approved June 3, 1887.

AN ACT TO FIX THE TENURE OF OFFICE OF THE MEMBERS OF THE POLICE FORCE IN THE CITY OF WALTHAM. *Chap.360*

Be it enacted, etc., as follows:

SECTION 1. The city marshal or chief of police and other police officers of the city of Waltham shall hold office during good behavior and until removed by the mayor, for cause, with the concurrence of the board of aldermen.

Tenure of office.

SECTION 2. So much of the charter of the city of Waltham as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 6, 1887.

AN ACT TO REGULATE FINES FOR IMPERFECT WEAVING. *Chap.361*

Be it enacted, etc., as follows:

SECTION 1. No person or corporation shall be entitled, unless under a contract made before the passage of this act, to retain any part of the wages of any weaver in his or its employ by way of fine or deduction for imperfect weaving, except in accordance with a written or printed list of fines posted in a conspicuous place in the weaving-room, nor unless such imperfect weaving was due to the wilfulness, incapacity or negligence of such weaver, nor unless the imperfection was discovered when the cloth

Fines for imperfect weaving regulated.

was first examined and was shown to such weaver forthwith; nor shall the amount so retained exceed in any case the actual damage or loss caused to the employer by the imperfection.

Notice to be given to employer that action will be brought.

SECTION 2. In an action for the recovery of wages the plaintiff shall not be entitled to take advantage of the provisions of this act unless within three days of the time, when he was notified of the amount of the fine imposed upon him, he gave notice to the employer or his superintendent or overseer that such action would be brought, nor unless such action was actually brought within thirty days of such time.

SECTION 3. This act shall take effect upon its passage.

Approved June 6, 1887.

Chap.362 AN ACT RELATING TO THE HEATING OF PASSENGER CARS ON RAILROADS.

Be it enacted, etc., as follows:

Method of heating railroad cars subject to approval of commissioners.

SECTION 1. No passenger, mail or baggage car on any railroad in this Commonwealth shall be heated by any method of heating or by any furnace or heater unless such method or the use of such furnace or heater shall first have been approved in writing by the board of railroad commissioners: *provided, however,* that in no event shall a common stove be allowed in any such car; and *provided, also,* that any railroad corporation may with the permission of said board make such experiments in heating their passenger cars as said board may deem proper.

Penalty.

SECTION 2. Any railroad corporation violating any of the provisions of the preceding section shall forfeit a sum not exceeding five hundred dollars.

SECTION 3. This act shall take effect upon its passage.

Approved June 6, 1887.

Chap.363 AN ACT TO PROVIDE FOR COOKING APPARATUS AND LAUNDRY MACHINERY AT THE JAIL AND HOUSE OF CORRECTION AT PITTSFIELD.

Be it enacted, etc., as follows:

Steam cooking apparatus, etc., to be provided.

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized to provide for the house of correction at Pittsfield steam cooking apparatus and laundry machinery; and if they shall not do so within three months from the passage of this act, the

sheriff of said county may make said improvements at a cost not exceeding five thousand dollars, and the bills therefor shall be paid from the county treasury of said county.

SECTION 2. This act shall take effect upon its passage.

Approved June 6, 1887.

AN ACT CONCERNING THE TENURE OF OFFICE OF CERTAIN OFFICERS.

Chap.364

Be it enacted, etc., as follows :

All officers appointed by the governor with the advice and consent of the council shall, except when otherwise specially provided by law, hold their offices during the term for which they are originally appointed and until their successors in office have been duly appointed and have qualified.

Tenure of office.

Approved June 6, 1887.

AN ACT TO PREVENT THE SALE OF INTOXICATING LIQUOR IN CASES OF RIOT OR GREAT PUBLIC EXCITEMENT.

Chap.365

Be it enacted, etc., as follows :

SECTION 1. The mayor of any city and the selectmen of any town may in cases of riot or great public excitement, direct and order any and all persons having licenses to sell intoxicating liquor under either of the first three classes of section ten of chapter one hundred of the Public Statutes in such city or town, not to sell, give away or deliver on the licensed premises any intoxicating liquor for a period of time not exceeding three days at any one time.

Sale of liquors by licensed persons may be prohibited in case of riot, etc.

SECTION 2. Any person who shall either by himself, his agents or servants sell, give away or deliver any intoxicating liquor in violation of any order passed under the provisions of the preceding section, shall be liable to a penalty of two hundred dollars for each offence and upon conviction of any such offence the license so held by such person shall be null and void.

Penalties

Approved June 6, 1887.

AN ACT IN RELATION TO THE INCREASE OF THE CAPITAL STOCK OF STREET RAILWAY COMPANIES.

Chap.366

Be it enacted, etc., as follows :

SECTION 1. Section fifteen of chapter one hundred and thirteen of the Public Statutes is hereby amended so

Amendment to P. S. 113, § 15.

Increase of
capital stock by
street railway
companies.

as to read as follows:— *Section 15.* The directors of any street railway company, on being thereto duly authorized by its stockholders, may from time to time petition the board for leave to increase its capital stock beyond the amount fixed and limited by its articles of association or by any act of the general court concerning the same, for the purpose of building and equipping a branch or extension of its road upon a location duly granted or extended as provided by law, or for other necessary and lawful purposes set forth in the petition; and the board, after an examination of the assets and liabilities of the company and a hearing on the petition, if it appears that the proposed purpose is lawful and consistent with the public interest, and that an increase of capital is necessary in order to enable the company to carry out the same in good faith, may by an order in writing allow such necessary increase, specifying the amount thereof and the purposes for which the same is allowed; but no increase shall be allowed beyond the value of the property of the company including the cash to be paid in on such increase. A certificate showing the amount and purposes of the increase so allowed shall forthwith be filed in the office of the secretary of the Commonwealth. The company shall not apply such increase or the proceeds thereof to any purpose not specified in the order of the board, and may be enjoined from so doing by any justice of the supreme judicial or superior court upon application of the board or of any interested party.

SECTION 2. This act shall take effect upon its passage.

Approved June 6, 1887.

Chap. 367 AN ACT CONCERNING THE TRANSFER AND REMOVAL OF PAUPER INMATES OF STATE CHARITABLE INSTITUTIONS AND LUNATIC HOSPITALS.

Be it enacted, etc., as follows:

Transfer and
removal of
pauper inmates
of charitable
institutions and
lunatic hos-
pitals
P. S. 79, § 79.

Chapter seventy-nine of the Public Statutes is hereby amended by striking out section nine of said chapter and substituting therefor a new section as follows:— *Section 9.* It may transfer pauper inmates, including those committed under the provisions contained in section fifty of chapter eighty-seven, section fifteen of chapter two hundred and thirteen, sections sixteen and nineteen of

chapter two hundred and fourteen, and sections ten, twelve and fourteen of chapter two hundred and twenty-two, from one state charitable institution or lunatic hospital to another, or may send them to any state or place where they belong, when the public interest or the necessities of the inmates require such transfer.

Approved June 6, 1887.

AN ACT TO AUTHORIZE JAMES A. L'AMOREUX TO BUILD AND MAINTAIN A WING DAM ON THE CONNECTICUT RIVER IN THE TOWN OF SOUTH HADLEY.

Chap. 368

Be it enacted, etc., as follows:

SECTION 1. James A. L'Amoreux, his heirs and assigns, may, subject to the provisions of this act and of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five, build and maintain a dam on his land in the town of South Hadley, extending from the easterly bank to the thread or middle of the stream of the Connecticut river, for the purpose of supplying power and water to mills and manufactories.

May build a wing dam in Connecticut river in town of South Hadley.

SECTION 2. Said dam shall not be built to such height or in such manner as to diminish, or in any wise injure or impair, the water power, water rights and privileges now used and enjoyed by the Glasgow Company in connection with its mills located in said town above the dam hereby authorized.

Not to impair water power used by the Glasgow Company.

SECTION 3. The board of harbor and land commissioners shall, upon the application of said L'Amoreux, his heirs or assigns, or of said Glasgow Company, or of the Holyoke Water Power Company, and after notice to all said parties, proceed as soon as may be to fix and determine by a permanent monument or bench-mark the height of the water as it now is, in the ordinary volume and run of water in said river, on the south-easterly boundary line of the premises of said Glasgow Company located as aforesaid; and shall also in like manner fix and determine the height at which said dam may be built and maintained so as to flow the water back as high and not higher than its said present ordinary height at said boundary line; and such determination shall be final and binding on all said parties, their heirs, successors and assigns forever; and said dam shall not be built or maintained at a greater height than so fixed and determined.

Harbor and land commissioners to determine present height of water and also height at which dam may be built.

Compensation
for damages.

SECTION 4. Any person whose land is overflowed or otherwise injured by said dam may obtain compensation therefor in the manner provided in chapter one hundred and ninety of the Public Statutes. The Holyoke Water Power Company may also obtain in like manner compensation for any damage or injury to its water power, water rights and privileges caused by the erection and maintenance of said dam, by reason of the appropriation thereby in whole or in part of the head or fall of water in said river on its land lying next below the premises of the said Glasgow Company and above said dam.

SECTION 5. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap. 369 AN ACT TO IMPROVE THE SEWERAGE OF THE STATE NORMAL SCHOOL BUILDING AND BOARDING HALL AT WESTFIELD.

Be it enacted, etc., as follows:

Commissioners
appointed to
take charge of
sewerage.

SECTION 1. Milton B. Whitney, James C. Greenough, Lewis F. Root and Francis A. Walker in the Commonwealth of Massachusetts, are hereby appointed a commission to take charge of the sewerage of the boarding hall and school building of the state normal school at Westfield, and are hereby authorized to construct a suitable sewer from the point where the Town brook, so called, crosses West School street above said boarding hall, in, across and along the public streets in said Westfield to a point where said brook crosses School street below said boarding hall, or from and to any other points upon said brook between the aforesaid points, to divert the waters of said brook into said sewer, to lay the necessary pipes to conduct the sewage and waste water of said boarding hall and of said school building into said sewer, to fill up the old channel of said brook under said boarding hall heretofore used as a sewer, and to perform such other acts as may be necessary to carry into effect the provisions of this act: *provided*, that if the said town shall create a system of sewers, the section of sewer hereby authorized shall form a part of the same, and no charge shall be made to the property held by the Commonwealth for construction or maintenance of said system of sewers or for entering therein.

To keep record
of doings and
render account
of moneys
expended.

SECTION 2. The commissioners may act by a majority of their members, shall keep a record of their doings under this act, and shall render to the governor and

council for their approval a true and accurate account of all moneys expended. For their personal services said commissioners shall receive such compensation as the governor and council may determine. If by death or other cause there shall be a vacancy in the board of commissioners, such vacancy shall be filled by appointment of the governor and council.

SECTION 3. Said commissioners shall proceed as expeditiously as possible, and may procure such professional advice, plans or specifications as they may deem necessary at an expense not exceeding two hundred dollars. Said commissioners may take by purchase or otherwise such lands, waters or easements as may be necessary in their judgment to accomplish the purposes of this act, and shall award and pay to any and all persons a just and proper compensation for any lands, rights or property so taken. Any person aggrieved by the awards of the commissioners as to the amount of damages sustained may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways.

May procure plans, etc.

Damages.

SECTION 4. Said commissioners shall perform all their duties and make a final report of the same to the legislature within one year from the passage of this act. There shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand two hundred dollars, for the purpose of carrying out the provisions of this act.

To perform duties, etc., within one year.

SECTION 5. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT TO ENABLE THE TOWN OF WELLESLEY TO ACCEPT THE
GIFT OF H. HOLLIS HUNNEWELL.

Chap. 370

Be it enacted, etc., as follows:

SECTION 1. The town of Wellesley is hereby authorized to accept the gift of H. Hollis Hunnewell described in the tripartite agreement between the said Hunnewell, the town of Wellesley and the Wellesley Free Library, dated May twenty-first, eighteen hundred and eighty-seven, and recorded with Norfolk county deeds in book five hundred ninety-one, page two hundred and forty-one, upon the terms and conditions in the said agreement set forth.

Town may accept the gift of H. Hollis Hunnewell.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap.371 AN ACT CONCERNING THE CONDUCT OF TOWN MEETINGS DURING THE ELECTION OF MODERATORS.

Be it enacted, etc., as follows:

Conduct of town meeting during election of moderator. P. S. 27, § 59.

SECTION 1. Section fifty-nine of chapter twenty-seven of the Public Statutes is hereby amended so as to read as follows:— *Section 59.* During the election of a moderator the town clerk if present shall preside, if he is absent or if there is no town clerk the selectmen shall preside, if neither the selectmen nor the town clerk are present the justice of the peace calling said meeting shall preside; and the town clerk and selectmen and said justice of the peace when so presiding shall have the powers and perform the duties of a moderator.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap.372 AN ACT IN RELATION TO THE DORCHESTER GAS LIGHT COMPANY.

Be it enacted, etc., as follows:

May sell or lease works to any corporation, etc., authorized to supply gas within city of Boston.

SECTION 1. The Dorchester Gas Light Company is hereby authorized to sell and transfer its franchise, lease its works, or contract for the carrying on of its works with any person, association or corporation authorized to supply gas within the city of Boston; and any person, association or corporation authorized to supply gas within the city of Boston may purchase the property and franchise of the Dorchester Gas Light Company, or lease its works, or contract with it for carrying on its works: *provided, however,* that no such sale, lease or contract shall be valid without the consent of the board of gas commissioners.

Subject to consent of the gas commissioners.

Increase of capital stock if purchased by a corporation.

SECTION 2. In case of such purchase by a corporation as aforesaid, such purchaser may increase its capital stock by the amount of capital which the Dorchester Gas Light Company is now authorized by law to have.

SECTION 3. This act shall be void unless the Dorchester Gas Light Company shall exercise the authority herein granted within two years from its passage.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT EXTENDING THE PROVISIONS OF THE PUBLIC STATUTES RELATING TO THE TAXABLE VALUATION OF VESSELS ENGAGED IN THE FOREIGN CARRYING TRADE. Chap.373

Be it enacted, etc., as follows:

SECTION 1. The provisions of section ten of chapter eleven of the Public Statutes are hereby renewed and extended for the term of two years. Provisions extended for two years.
P. S. 11, § 10.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT TO AUTHORIZE THE BUILDING OF A PUBLIC HIGHWAY BRIDGE ACROSS CHELSEA CREEK IN THE CITIES OF BOSTON AND CHELSEA. Chap.374

Be it enacted, etc., as follows:

SECTION 1. The cities of Boston and Chelsea, or either of said cities, may, subject to the provisions of chapter nineteen of the Public Statutes and of all acts in addition or amendment thereof, build and maintain a public highway bridge across Chelsea creek, connecting the westerly end of Breed's island in the city of Boston with the city of Chelsea. Said bridge shall have a convenient draw of not less than forty feet in width for the passage of vessels. Public highway bridge across Chelsea Creek.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT TO PROVIDE FOR THE RELEASE FROM AND THE RETURN TO COUNTY PRISONS OF PRISONERS TRANSFERRED THERETO FROM THE MASSACHUSETTS REFORMATORY. Chap.375

Be it enacted, etc., as follows:

SECTION 1. The commissioners of prisons shall have solely the same right and authority to release from a jail or house of correction any prisoner who has been or may hereafter be transferred thereto from the Massachusetts reformatory, and to return him to said jail or house of correction, which they would have had to release him from said reformatory, and to return him thereto if he had not been so transferred. Release from and return to county prisons of prisoners transferred from Massachusetts reformatory, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap.376 AN ACT TO ENABLE THE BOSTON AND LOWELL RAILROAD CORPORATION TO IMPROVE ITS TERMINAL FACILITIES AND THE APPROACHES THERETO IN THE CITIES OF BOSTON AND CAMBRIDGE.

Be it enacted, etc., as follows :

Terminal facilities may be enlarged and improved in Boston and Cambridge.

SECTION 1. For the purpose of enlarging and improving its terminal facilities and the approaches thereto in the cities of Boston and Cambridge, the Boston and Lowell Railroad Corporation may, with the consent in writing of the board of harbor and land commissioners, and subject to the provisions of this act, build and maintain on piles in and over the tide waters of Charles river on the Boston side thereof, in the area lying between the present freight and passenger bridges of said railroad corporation, and also in and over the tide waters of Charles river and Miller's river on the Cambridge side thereof, in the area bounded northwesterly by Austin street, southwesterly by the land and passenger bridge of said corporation, and northeasterly by the Eastern railroad bridge, such wharves and piers as the said board, upon petition and after public notice and hearing, may determine that the public convenience and necessity require for the purposes aforesaid.

Structures to be built as prescribed by harbor and land commissioners.

SECTION 2. Any structure authorized as aforesaid shall be built within such lines and in such manner as the said board may in writing approve and prescribe: *provided, however*, that this act shall not be construed so as to authorize the building of any structure, in the first described area, beyond a line drawn from the southerly side of the draw in the passenger bridge to the southerly side of the draw in the freight bridge of said railroad corporation; nor, in the second described area, beyond a line drawn from the southerly side of the draw in the Eastern railroad bridge to the southerly side of the draw in Prison point bridge.

Subject to provisions of P. S. 19.

SECTION 3. The Boston and Lowell Railroad Corporation shall, in respect to the structures authorized and the rights and privileges granted by this act, be subject to the provisions of chapter nineteen of the Public Statutes.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT TO INCORPORATE THE VILLAGE CONGREGATIONAL SOCIETY *Chap.377*
IN CUMMINGTON.

Be it enacted, etc., as follows:

SECTION 1. William W. Mitchell, Edward F. Warner, Erwin H. Thayer, William H. Shaw, Henry M. Dyer, Edward H. Porter, Charles W. Dawes, Darwin E. Lyman and all other members of the Village Congregational Society in Cummington, and their successors as members of said society, are hereby made a corporation with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to religious societies. Corporators.
Powers and duties.

SECTION 2. Said corporation shall be called the Village Congregational Society of Cummington. Name.

SECTION 3. Said corporation may hold and convey real and personal estate to an amount not exceeding twenty-five thousand dollars for parochial and religious purposes. Real and personal estate not to exceed \$25,000.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT TO CHANGE THE NAME OF THE WARD ONE BAPTIST MISSION SOCIETY OF SPRINGFIELD. *Chap.378*

Be it enacted, etc., as follows:

SECTION 1. The Ward One Baptist Mission Society of Springfield may take and hereafter be known by the name of the Carew Street Baptist Society of Springfield. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT TO CHANGE THE NAME OF THE ANCIENT ORDER OF HIBERNIANS NUMBER TWO DIVISION. *Chap.379*

Be it enacted, etc., as follows:

SECTION 1. Ancient Order of Hibernians Number Two Division may take and hereafter be known by the name of Ancient Order of Hibernians Number Eight Division, of Essex County. Name changed

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap. 380 AN ACT TO AUTHORIZE THE SUPPRESSION OF COMMON NUISANCES DESCRIBED IN SECTION SIX OF CHAPTER ONE HUNDRED AND ONE OF THE PUBLIC STATUTES.

Be it enacted, etc., as follows :

Places used for illegal sale of intoxicating liquors, etc., may be abated as common nuisances.

SECTION 1. The supreme judicial court and superior court shall have jurisdiction in equity upon information filed by the district attorney for the district or upon the petition of not less than ten legal voters of any town or city setting forth the fact that any building, place or tenement therein is resorted to for prostitution, lewdness or illegal gaming, or is used for the illegal keeping or sale of intoxicating liquors, to restrain, enjoin or abate the same as a common nuisance, and an injunction for such purpose may be issued by any justice of either of said courts.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap. 381 AN ACT TO AMEND AN ACT TO INCORPORATE THE BERKSHIRE HEIGHTS WATER COMPANY OF GREAT BARRINGTON.

Be it enacted, etc., as follows :

Amendment to 1886, 311, § 2.

SECTION 1. Section two of chapter three hundred and eleven of the acts of the year eighteen hundred and eighty-six is amended to read as follows: — *Section 2.* Said corporation, for the purposes aforesaid and for the purpose of a power, as hereinafter specified, may take, subject to the limitations hereinafter named, the waters of Green river, so called, in the town of Great Barrington, and of the tributaries thereof, with any water rights connected therewith; and may also take and hold by purchase or otherwise any real estate, rights of way or easements necessary for laying, constructing and maintaining aqueducts, reservoirs, storage basins, dams and such other works as may be deemed necessary or proper for collecting, purifying, storing, pumping, discharging, conducting and distributing said waters to said inhabitants: *provided, however,* that said corporation shall not at any time, under the provisions of this act, take, divert or convert to its own use more than ten per centum of the waters of said river, except that said corporation may take the whole or any part of the waters of said river for the purpose of using the same as a power with which to pump the waters

of said river and distribute the same to the inhabitants of said Great Barrington.

SECTION 2. Section five of said chapter is hereby amended to read as follows:— *Section 5.* Said corporation may distribute said water to any residents or cottagers that may hereafter occupy lands which have been at any time owned by the Berkshire Heights Land Company and to any other inhabitants of the village of Great Barrington and vicinity: *provided, however,* that this corporation shall not supply any of the present patrons or takers of water from the Great Barrington Water Company with water for family or household purposes unless in each case the Great Barrington Water Company shall for more than thirty days after a request in writing has been made therefor refuse, neglect or fail to furnish such party a satisfactory supply of water for the purposes aforesaid.

Amendment to
1886, 311, § 5.

SECTION 3. Section seven of said chapter is hereby amended to read as follows:— *Section 7.* The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed fifty thousand dollars to be divided into shares of one hundred dollars each.

Amendment to
1886, 311, § 7.

SECTION 4. Section ten of said chapter is hereby amended to read as follows:— *Section 10.* The said town of Great Barrington, and any fire district that is or may hereafter be established therein shall have the right at any time during the continuance of the charter hereby granted to purchase the privileges of said corporation, at a price which may be mutually agreed upon between said town or such fire district and said corporation; and the said corporation is authorized to make sale of the same to said town or to such fire district. In case said corporation and said town or such fire district are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town or such fire district by a two-thirds vote of the voters of said town or such fire district present and voting thereon at a meeting called for that purpose and held before the first day of

Amendment to
1886, 311, § 10.

August next or at any regular annual meeting called for said purpose. Whenever said town or such fire district shall purchase the franchise and property of said corporation agreeable to the provisions of this act the limitations and restrictions upon its rights to distribute water as provided in section two of this act shall cease, and said town or fire district may distribute water for the extinguishment of fires and for domestic and other purposes in any part of its territory and to any of its inhabitants.

Amendment to
1886, 311, § 11.

SECTION 5. Section eleven of said chapter is hereby amended by striking out the word "twenty" in the sixth line of said section and inserting: — fifty, — in the place thereof.

SECTION 6. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap.382 AN ACT CONSTITUTING THE BOARD OF GAS COMMISSIONERS A BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS.

Be it enacted, etc., as follows:

Gas commis-
sioners to have
supervision of
electric light
companies.

SECTION 1. The board of gas commissioners shall have the general supervision of all companies engaged in the manufacture and sale of electric light, and shall make all necessary examinations and inquiries, and keep themselves informed as to the compliance of the said companies with the provisions of law.

Certain provi-
sions of 1885,
314, and of 1886,
346, extended
so as to include
all electric
light companies.

SECTION 2. Sections seven, nine, twelve, thirteen and fourteen of chapter three hundred and fourteen of the acts of the year eighteen hundred and eighty-five, and sections one, two and five of chapter three hundred and forty-six of the acts of the year eighteen hundred and eighty-six, are hereby extended so as to include and apply to all companies engaged in the manufacture and sale of electric light: *provided, however,* that the first return of such companies shall include the period from the first day of July in the year eighteen hundred and eighty-seven to the thirtieth day of June in the year eighteen hundred and eighty-eight inclusive.

Where one com-
pany is organ-
ized no other
company shall
place wires
without consent,
etc., after a
public hearing.

SECTION 3. In any city or town in which a company is engaged in or organized for the purpose of the manufacture and sale of electric light no other company shall lay or erect wires over or under the streets, lanes and highways of such city or town for the purpose of carrying on its business without the consent of the mayor and

aldermen of such city or selectmen of a town after a public hearing and notice to all parties interested.

SECTION 4. Section six of chapter three hundred and fourteen of the acts of the year eighteen hundred and eighty-five is hereby amended so that the expenses therein named, incurred from and after July first, eighteen hundred and eighty-seven, shall be borne by the several gas and electric light companies as therein provided.

Expenses named in 1885, 314, § 6, to be borne by the several gas and electric light companies.

SECTION 5. Any company or person aggrieved by the decision of the mayor and aldermen of a city or selectmen of a town under the provisions of the third section of this act may appeal therefrom to said board within thirty days from the notice of said decision and said board shall thereupon give due notice and hear all persons in interest and its decision thereon shall be final.

Party aggrieved may appeal to the board.

SECTION 6. In the construction of this act the terms "company" and "companies" shall be deemed to include also all corporations or individuals engaged in the business of manufacturing and selling electric light within this Commonwealth.

Construction of terms "company" and "companies."

SECTION 7. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT RELATING TO THE PRACTICE IN CIVIL ACTIONS IN THE SUPREME JUDICIAL AND SUPERIOR COURTS.

Chap. 383

Be it enacted, etc., as follows:

SECTION 1. All civil actions, whether at law or in equity, except replevin, in the supreme judicial and superior courts, may be commenced by a bill or petition with a writ of subpœna according to the usual course of proceedings in equity, or the bill or petition may be inserted in an original writ of summons or of summons and attachment, and with or without an order for the arrest of the defendant.

Commencement of proceedings in all civil actions except replevin.

SECTION 2. All provisions of law relating to pleadings shall apply to such proceedings so far as the same are applicable.

Pleadings.

SECTION 3. The plaintiff or the defendant in such proceedings may ask for relief, either at law or in equity, or both, and the court may give such relief as the nature of the case may require, and may issue any writs, orders, injunctions or other processes necessary, at any stage of the proceedings.

Parties may ask for relief either at law or in equity.

Not to affect existing laws, etc., except as herein expressly provided.

SECTION 4. Nothing in this act shall be construed to affect the existing laws relative to attachment of property or the arrest of the defendant, or to return days and the entry of actions or of appearance and answer; or to extend or limit the power or jurisdiction of the court in proceedings at law or in equity, except as herein expressly provided.

To take effect January 1, 1888.

SECTION 5. This act shall take effect on the first day of January in the year eighteen hundred and eighty-eight.
Approved June 8, 1887.

Chap. 384 AN ACT TO ESTABLISH THE NAME OF THE CENTRAL BAPTIST SOCIETY OF CHICOPEE, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The religious society in Chicopee incorporated as the Third Baptist Society in Springfield and subsequently called the Baptist Society of Cabotville and later known as the Central Baptist Society of Chicopee shall be known and called hereafter by the name of the Central Baptist Society of Chicopee, and as such and under such name shall hold and possess all the real estate and personal property, and shall be entitled to all the rights and privileges and be subject to all the liabilities of the society incorporated and called as aforesaid.

Rights and liabilities.

Organization and proceedings confirmed.

SECTION 2. The organization and all subsequent proceedings of said society, so far as the same appear upon the records of said society, are ratified and confirmed, and the same shall be taken to be good and valid in law to all intents and purposes.

May sell, free of uses and trusts, land, etc., in Chicopee.

SECTION 3. Said society is hereby authorized and empowered to sell and convey free and discharged of all uses and trusts which may affect the same, and in such manner as it may by vote determine, the land with the church and chapel buildings thereon situated in Chicopee at the corner of Cabot and School streets, and shall invest the proceeds of such sale in another lot and new church buildings for the uses and purposes of said society.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT TO AUTHORIZE GAS COMPANIES TO FURNISH ELECTRIC LIGHT. Chap.385

Be it enacted, etc., as follows:

SECTION 1. The board of gas commissioners, upon application in writing by any company organized or chartered under the laws of the Commonwealth for the purpose of making and selling gas for illuminating purposes, may, after such notice and hearing as said board shall deem proper, authorize said company to engage in the business of generating and furnishing electricity for light and power in all or such part of the territory in which it is authorized to supply gas as said board may designate: *provided, however,* that said company shall not engage in said business so authorized unless by vote of two-thirds of the stockholders, representing not less than two-thirds of the stock, at a meeting duly called for that purpose. Said company so authorized shall file in the office of the secretary of the Commonwealth a certificate as provided in section fifty-one of chapter one hundred and six of the Public Statutes.

Gas companies may be authorized to furnish electric light.

Proviso.

SECTION 2. Said board shall at the time of granting said authority prescribe the time not exceeding six months within which said company shall erect and equip such a plant for generating electricity for light and power as may be required in the specified territory, and designate the minimum capacity of such plant; and if said company shall neglect to erect and complete said plant within the time prescribed, said authority shall thereupon become void, and no such authority shall be again granted to said company within two years thereafter: *provided, however,* that said board may for cause shown extend the time first prescribed for erecting and equipping said plant not more than three months from the expiration of the time first prescribed.

Time may be prescribed not exceeding six months within which plant shall be established.

Proviso.

SECTION 3. At the expiration of the time and extension thereof, if any, given under the preceding section said board shall, after such examination as they shall deem proper, make, in a book kept by them for that purpose, a record as to whether their orders with reference to the erection and completion of said plant have been complied with. Said record shall be conclusive evidence of the truth of the matters stated therein.

Record to be kept of orders for erection and completion of plant.

Poles and wires not to be erected without consent of mayor and aldermen or selectmen.

SECTION 4. Said company so authorized, except in cases of the purchase or lease of the property, licenses, rights and franchises of some electric light company as authorized under section nine of this act, shall not erect or maintain any poles for the support of wires, nor erect or maintain any wires in, through or over any streets or highways, nor dig up any streets or highways for the purpose of laying said wires underground, until it has, upon petition in writing by said company, first obtained the consent in writing of the mayor and aldermen of cities or selectmen of towns in which said streets are located. Said company, having obtained such consent, may, under the direction and control of the mayor and aldermen or selectmen, dig up and open the grounds in any streets and highways, so far as is necessary, for the purpose of laying lines of wires to carry into effect the authority given under this act, and for the purpose of keeping said lines in repair, and to erect and maintain lines of wire upon or above the surface of such streets and highways. The said company shall put all streets and highways which are opened into as good repair as they were in when opened, and after failure so to do within a reasonable time shall be deemed guilty of a nuisance.

Company to put streets, etc., into good repair.

Damages.

SECTION 5. When a party, injured in his person or property by a defect in a street or highway caused by the operations of said company in laying down, erecting, maintaining or repairing its lines of wires, or otherwise obstructing such streets or highways, recovers damages therefor of the city or town wherein such injury is received, such city or town shall, in addition to the damages so recovered against it, be entitled to recover all the taxable costs of the plaintiff and defendant in the same action in a suit brought against said company, if said company be liable for said damages, and if reasonable notice is given by such city or town to it, so that it may defend the original action.

Acts affecting health and property of inhabitants may be regulated by selectmen, etc.

SECTION 6. The mayor and aldermen of cities and the selectmen of towns, respectively, may regulate, restrict and control all acts and doings of said company which may in any manner affect the health, safety, convenience or property of the inhabitants of their respective cities or towns.

Business subject to control of gas commissioners.

SECTION 7. Gas companies, as respecting the business in which by this act they are authorized to engage, shall

be subject to the control of the board of gas commissioners in the same manner and to the same extent they now are or hereafter may be respecting the business of furnishing gas.

SECTION 8. Except as hereinbefore expressly provided, gas companies shall in exercising the powers conferred by this act have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which are now or hereafter may be in force relating to companies engaged in the transmission of electricity for light or power.

Powers and duties.

SECTION 9. Said gas companies so authorized by the board of gas commissioners shall have the right to purchase or to lease and to use all or any of the property, licenses, rights, privileges and franchises of any electric light company engaged in the business of furnishing electric light or power in the territory in which such gas company may be authorized to furnish such light and power.

Gas companies may be authorized to purchase, etc., franchises, etc., of electric light companies.

SECTION 10. The provisions of this act shall apply to electric light and power companies.

To apply to electric light and power companies.

SECTION 11. This act shall take effect upon its passage.

Approved June 8, 1887.

AN ACT TO AMEND AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO CONSTRUCT THE CENTRAL MASSACHUSETTS RAILROAD, TO ISSUE ADDITIONAL BONDS AND TO CREATE A SINKING FUND FOR THE PAYMENT THEREOF.

Chap. 386

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter two hundred and fifty-one of the acts of the present year is hereby amended by inserting after the word "company" in the third line thereof the following words: — to the amount of two millions of dollars at par heretofore, — so that the same shall read as follows: — *Section 4.* Said Boston and Lowell Railroad corporation shall hold in its treasury and shall not sell, pledge, transfer or deliver up to any other person the bonds of the Central Massachusetts Railroad Company to the amount of two millions of dollars at par heretofore issued to it in accordance with the terms of the lease aforesaid, except for the purpose of raising money to be used in the payment of the principal of the bonds issued under authority of section two of this act, until

May issue bonds and create sinking fund. 1887, 251, § 4.

such time as the principal and interest of said last mentioned bonds shall have been paid in full.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap.387 AN ACT TO AUTHORIZE THE REVERE WATER COMPANY TO ISSUE
ADDITIONAL BONDS.

Be it enacted, etc., as follows:

May issue additional bonds.

SECTION 1. The Revere Water Company for the purpose of retiring and refunding its outstanding bonds, paying its indebtedness, and of extending its works within the towns of Revere and Winthrop, may, in lieu of its bonds it was authorized to issue under the authority of chapter one hundred and forty-two of the acts of the year eighteen hundred and eighty-two and chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-four, issue bonds to an amount not exceeding two hundred thousand dollars, and secure the same by a mortgage on its franchises and other property, including any extensions, erections and additions which may be made thereto.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap.388 AN ACT IN FURTHER ADDITION TO AN ACT TO INCORPORATE THE
SPOT POND WATER COMPANY.

Be it enacted, etc., as follows:

Amendment to 1870, 160, § 2.

SECTION 1. Section two of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy is hereby amended by inserting after the word "take" in the third line, the words: — from time to time, — and in the seventh line of the same section, by striking out the words "said waters" and inserting in place thereof: — the waters of said Spot pond and the ponds and streams tributary thereto within the water-shed of said Spot pond.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1887.

Chap.389 AN ACT AUTHORIZING THE CHESHIRE RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK AND TO CONSOLIDATE WITH THE
FITCHBURG RAILROAD COMPANY.

Be it enacted, etc., as follows:

Cheshire Railroad Company may issue preferred stock.

SECTION 1. The Cheshire Railroad Company is hereby authorized and empowered to increase its capital stock by

issuing preferred shares to such amount as the stockholders shall from time to time, at any annual or special meeting called for that purpose, by vote determine; but said increase shall be limited to ten thousand shares, of one hundred dollars each, for the purpose of double tracking its road, adding side tracks, making additions to its equipments and also building branches and extending its main line when legally authorized to do so. Said stock when issued shall have no preference over the present preferred stock of said corporation, but shall in all respects participate equally with it as if of the same issue.

Not to have preference over present preferred stock.

SECTION 2. The Cheshire Railroad Company is hereby authorized to unite and consolidate with the Fitchburg Railroad Company, and in case of such union and consolidation the uniting corporations shall constitute one corporation under the name of the Fitchburg Railroad Company, and said new united company shall have all the rights, powers, privileges and immunities and be subject to all the duties and liabilities of said uniting corporations, and to all the general laws relating to railroad corporations and to the provisions of section three of chapter one hundred and five of the Public Statutes. But such union and consolidation shall be only on such terms and conditions as shall be approved by a majority in interest of the stockholders of said uniting corporations at meetings duly called for that purpose.

May unite and consolidate with the Fitchburg Railroad Company.

SECTION 3. For the purpose of facilitating and effecting said union and consolidation the Fitchburg Railroad Company is hereby authorized to purchase and hold the stock, bonds, property, rights and franchises of the said Cheshire Railroad Company, and may sell or exchange its stock or bonds for the stock, bonds, property, rights and franchises, and in payment of the liabilities of said Cheshire Railroad Company, but such purchases or exchanges shall be only in such manner and upon such terms and conditions as shall be approved by a majority in interest of the stockholders of said uniting corporations at meetings duly called for that purpose.

Fitchburg Railroad Company may purchase franchises, etc.

SECTION 4. This act shall take effect upon its passage.

Approved June 9, 1887.

Chap.390 AN ACT IN ADDITION TO AN ACT IN RELATION TO THE MASSACHUSETTS CENTRAL RAILROAD COMPANY.

Be it enacted, etc., as follows :

Central Massachusetts Railroad Company may construct road from Palmer to the New York line if new corporation is organized. 1883, 64, § 5.

SECTION 1. Section five of chapter sixty-four of the acts of the year eighteen hundred and eighty-three is hereby amended by inserting after the word "Wilbraham" the word :— Ludlow, — so that the same shall read as follows :— *Section 5.* The Massachusetts Central Railroad Company, or, if a new corporation shall be organized under the third section of this act, then said Central Massachusetts Railroad Company is hereby authorized to locate, construct, operate and maintain an extension of its railroad, with one or more tracks, from a point in the town of Palmer, through said town and the towns of Wilbraham, Ludlow, Chicopee, West Springfield, Agawam, Westfield, Southwick, Russell, Granville, Blandford, Tolland, Sandisfield, Otis, Monterey, Great Barrington and Egremont, and the city of Holyoke, or any of them, to a point in the boundary line between this Commonwealth and the state of New York, or to any intermediate point on said route ; and such extension shall be located and constructed in conformity to the provisions of chapter one hundred and twelve of the Public Statutes : *provided*, that no portion of said extension shall be opened for business until said railroad as already located shall be completed and in operation to Northampton.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1887.

Chap.391 AN ACT TO FURTHER REGULATE THE OBSERVANCE OF THE LORD'S DAY.

Be it enacted, etc., as follows :

Amendment to P. S. 98, § 1.

SECTION 1. Section one of chapter ninety-eight of the Public Statutes is hereby amended by striking out in the third line thereof the words "or upon the evening next preceding the Lord's day."

Amendment to P. S. 98, § 2.

SECTION 2. Section two of said chapter is hereby amended by adding at the end thereof the following :— but nothing in this section shall be held to prohibit the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power, nor the distribution of water for fire or domestic purposes, nor

the use of the telegraph or the telephone, nor the retail sale of drugs and medicines, nor articles ordered by the prescription of a physician, nor mechanical appliances used by physicians or surgeons, nor the letting of horses and carriages, nor the letting of yachts and boats, nor the running of steam ferryboats on established routes, of street railway cars, nor the preparation, printing and publishing of newspapers, nor the sale and delivery of newspapers, nor the retail sale and delivery of milk, nor the transportation of milk, nor the making of butter and cheese, nor the keeping open of public bath houses, nor the making or selling by bakers or their employees of bread or other food usually dealt in by them before ten of the clock in the morning and between the hours of four of the clock and half-past six of the clock in the evening.

SECTION 3. Section thirteen of chapter ninety-eight of the Public Statutes is hereby amended by striking out the word "travel" therefrom, and section fifteen of the same chapter is hereby amended by striking out the word "through" therefrom, and by inserting after "running": — of such steamboat lines and.

Amendments to P. S. 98, § 13.

SECTION 4. Section three of chapter ninety-eight of the Public Statutes, and chapter eighty-two of the acts of the year eighteen hundred and eighty-six are hereby repealed.

Amendment to P. S. 98, § 3.

Approved June 9, 1887.

AN ACT RELATIVE TO THE FORFEITURE OF LICENSES ISSUED UNDER PROVISIONS OF CHAPTER ONE HUNDRED OF THE PUBLIC STATUTES.

Chap. 392

Be it enacted, etc., as follows:

SECTION 1. The conviction by a court of competent jurisdiction of a person licensed under the provisions of chapter one hundred of the Public Statutes for violation of any of the provisions of said chapter, and the several acts in amendment thereof, shall of itself make the license of said person void.

License void upon conviction, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1887.

AN ACT RELATIVE TO THE FENCING OF CANALS.

Chap. 393

Be it enacted, etc., as follows:

SECTION 1. Whenever the city council of any city or the selectmen of any town shall, after notice in writing

Canal, etc., to be fenced if dangerous to public travel.

to the parties in interest, adjudge any canal or water-way within the limits of said city or town to be dangerous to public travel, they may order any corporation, partnership, company or individual owning, operating or controlling said canal or water-way to fence the same, and shall give written notice of such order to all parties in interest.

Canal to be fenced within sixty days, etc.

SECTION 2. If said canal or water-way shall remain unfenced for sixty days after the giving of said written notice, said city council or said selectmen shall cause the same to be fenced and may collect the cost thereof in an action of contract from the parties ordered in said written notice to fence the same; and said parties so neglecting to fence such canal or water-way shall be liable to a fine of not less than fifty nor more than one hundred dollars.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1887.

Chap.394 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO BORROW MONEY FOR THE EXTENSION OF STONY BROOK SEWER.

Be it enacted, etc., as follows:

May borrow \$75,000 in excess of limit for Stony brook sewer.

SECTION 1. The city of Boston for the purpose of paying for the construction of a sewer in continuation of the present Stony brook sewer in Pyncheon and Tremont streets, may issue bonds, notes or certificates of indebtedness to an amount not exceeding seventy-five thousand dollars in excess of the limit now prescribed by law, at such rate of interest and for such period not exceeding fifty years from their issue as said city may determine; and may authorize its treasurer to sell the same from time to time and apply the proceeds thereof to the purpose aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved June 11, 1887.

Chap.395 AN ACT TO PROVIDE FOR AIDING PRISONERS DISCHARGED FROM THE MASSACHUSETTS REFORMATORY.

Be it enacted, etc., as follows:

Assistance for prisoners discharged from the Massachusetts reformatory.

SECTION 1. The commissioners of prisons may expend, for the assistance of prisoners discharged from the Massachusetts reformatory, a sum not exceeding two thousand dollars annually, in addition to the sum of three thousand dollars which they are now authorized to expend.

SECTION 2. This act shall take effect upon its passage.

Approved June 11, 1887.

AN ACT TO AUTHORIZE THE GREAT BARRINGTON FIRE DISTRICT TO TAKE OR PURCHASE THE FRANCHISE AND PROPERTY OF THE GREAT BARRINGTON WATER COMPANY.

Chap. 396

Be it enacted, etc., as follows:

SECTION 1. The Great Barrington Fire District is hereby authorized to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of the Great Barrington Water Company, incorporated by chapter three hundred of the acts of the year eighteen hundred and sixty-eight, at a price which may be mutually agreed upon between said water company and said fire district; and the said water company is authorized to make sale of the same to said fire district. In case said fire district and said water company are unable to agree upon the amount of damages sustained by said water company by reason of the taking of its franchise, corporate property, rights and privileges, under the provisions of this act then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase or take said franchise and property is granted on condition that the same is assented to by said fire district by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose and held before the first day of August next or at any regular annual meeting thereafter called for said purpose within four years from the passage of this act.

The Great Barrington Fire District may purchase the franchise and property of the Great Barrington Water Company.

Subject to a two-thirds vote.

SECTION 2. The Great Barrington Fire District shall have authority for the purpose of paying all costs and expenses of such franchise, corporate property, rights and privileges, purchased under the provisions of this act, and all expenses incident thereto, to issue, from time to time, notes, scrip or certificates of debt, to an amount not exceeding in the aggregate forty-five thousand dollars, to be denominated on the face thereof Great Barrington Water Scrip. Such notes, scrip or certificates of debt shall be payable at the expiration of periods not exceeding twenty years from the date of issue; shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually; and shall be signed by the treasurer of said fire district and countersigned by the water com-

May issue notes, etc., not exceeding \$45,000.

missioners hereinafter provided for. A record of all such notes, scrip and certificates shall be made and kept by the said treasurer; and the said fire district may sell the same or any part thereof from time to time at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said fire district shall judge proper.

Taxes may be assessed for payment of principal and interest.

SECTION 3. The town of Great Barrington is hereby fully authorized to assess and collect upon the polls and estate, real and personal, in said fire district all taxes necessary to pay the principal and interest of the scrip that shall be sold or pledged by the said district as aforesaid.

Great Barrington water commissioners to have charge of the property.

SECTION 4. If this act is accepted by said fire district under the provisions of section one, then three commissioners shall be chosen by the voters of said fire district at a meeting duly called for that purpose, who shall have charge of the corporate property acquired by said fire district under the provisions of this act, and who shall be called the Great Barrington water commissioners. Said water commissioners shall be chosen by ballot, one for one year, one for two years, and one for three years, and at the expiration of their respective terms of office successors shall be chosen, each for a term of three years. Said commissioners shall superintend and manage the water works, and make rules and regulations for the collection of water rents, and for the care and preservation of said corporate property.

SECTION 5. This act shall take effect upon its passage.

Approved June 11, 1887.

Chap.397

AN ACT TO FIX THE TENURE OF OFFICE OF THE MEMBERS OF THE POLICE FORCE OF THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

Police officers to hold office during good behavior.

SECTION 1. All members of the regular police force of the city of Lawrence, excepting the city marshal or chief of police, shall be hereafter appointed by the mayor subject to confirmation by the board of aldermen, to hold office during good behavior; and such officers may be removed by the mayor and board of aldermen, after a due hearing, for such cause as they may deem sufficient and shall express in the order of removal.

Repeal.

SECTION 2. So much of the charter of the city of Lawrence as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 11, 1887.

AN ACT TO PROVIDE FOR THE RE-LOCATION AND WIDENING OF
CHARLES RIVER BRIDGE IN THE CITY OF BOSTON. *Chap.398*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston may make such changes in the location of Charles river bridge and the approaches thereto, or of any part thereof, as, in the judgment of the street commissioners of said city, the public convenience and necessity may require. In any new location so made, said city may reconstruct the present bridge and approaches, or may construct a new bridge and approaches, with a width in either case not exceeding one hundred feet. Said city may also construct on the sides of said bridge such fender guards, draw-piers and other structures, extending outside said limit of width, as may be necessary for the protection of said bridge, and for the convenient operation of the draw therein, and for the prompt and safe passage of vessels through the same. Said city shall continue to maintain said bridge and approaches as a public highway upon any new location so made.

City may make new location of Charles river bridge.

SECTION 2. All the right, title and interest of the Commonwealth in and to the Charles river bridge, the approaches thereto, and the materials of which it is composed, are hereby transferred to the city of Boston. Said city and its assigns may also continue to cover with the present solid and pile structures, and to use for any lawful purpose, without compensation therefor, so much of the tide-water lands of the Commonwealth lying on both sides of said river within the harbor lines now established by law, as are covered by the present bridge and its approaches and are not included in the new location thereof; but so much of said bridge and its appurtenances as lies outside of and between said harbor lines, and is not covered by the new location thereof, shall be discontinued and removed by said city.

Rights of the Commonwealth transferred to the city of Boston.

SECTION 3. In the exercise of the powers granted by this act, said city shall be subject to the provisions of chapter nineteen of the Public Statutes and all other general laws applicable thereto.

City subject to provisions of P. S. 19 and of general laws.

SECTION 4. Said city may acquire by purchase or take such lands and other property as it may deem necessary for the purposes aforesaid, and shall file from time to time in the registry of deeds for the county of Suffolk, and

May take or purchase lands and file description thereof in the registry of deeds.

Liability for
damages.

cause to be recorded therein, a description of any land so taken as certain as is required in an ordinary conveyance of land, with a statement signed by the mayor of said city that the same is taken under and for the purposes set forth in this act; and the act and time of the filing thereof shall be deemed to be the act and time of the taking of such land, and notice to all persons that the same has been so taken. Said city shall be liable to pay all damages sustained by any person in his property by reason of the taking of any land or other property as aforesaid, and, if not settled by agreement or arbitration, the same may be assessed by a jury at the bar of the superior court for the county of Suffolk, upon petition to be filed by such person within one year after such taking and not afterwards, in the same manner as damages are assessed for the taking of lands for highways in said city.

SECTION 5. This act shall take effect upon its passage.

Approved June 11, 1887.

Chap. 399 AN ACT TO AMEND AN ACT TO PROVIDE FOR THE WEEKLY PAYMENT OF WAGES BY CORPORATIONS.

Be it enacted, etc., as follows:

Weekly pay-
ment of wages
by corporations.
1886, 87, § 1.

SECTION 1. Section one of chapter eighty-s ven of the acts of the year eighteen hundred and eighty-six is hereby amended so as to read as follows:— *Section 1.* Every manufacturing, mining or quarrying, mercantile, railroad, street railway, telegraph and telephone corporation, every incorporated express company and water company shall pay weekly each and every employee engaged in its business the wages earned by such employee to within six days of the date of said payment; and every incorporated city shall so pay every employee engaged in its business, unless such employee shall request in writing to be paid in some different manner; and every municipal corporation not a city, and every incorporated county shall so pay every employee engaged in its business if so required by him: *provided, however,* that if at any time of payment any employee shall be absent from his regular place of labor he shall be entitled to said payment at any time thereafter upon demand. The provisions of this section shall not apply to any employee of a co-operative corporation or association who is a stockholder therein, unless such employee shall request such corporation to pay him weekly: and *provided, also,* that the railroad commission-

ers, after a hearing, may exempt any railroad corporation from paying weekly any of its employees who, in the opinion of the commissioners, prefer less frequent payments, and when in their opinion the interests of the public and such employees will not be injured thereby.

SECTION 2. Section two of said chapter is hereby amended by inserting at the end thereof the following: — The chief of the district police, or any state inspector of factories and public buildings, may bring a complaint against any corporation which neglects to comply with the provisions of this act for a period of two weeks after having been notified in writing by such chief or inspector that such complaint will be brought. On the trial of such complaint such corporation shall not be allowed to set up any defence for a failure to pay weekly any employee engaged in its business the wages earned by such employee to within six days of the date of said payment, other than the attachment of such wages by the trustee process, or a valid assignment thereof, or a valid set-off against the same, or the absence of such employee from his regular place of labor at the time of payment, or an actual tender to such employee at the time of payment of the wages so earned by him. No assignment of future wages payable weekly under the provisions of this act shall be valid if made to the corporation from whom such wages are to become due, or to any person on behalf of such corporation, or if made or procured to be made to any person for the purpose of relieving such corporation from the obligation to pay weekly under the provisions of this act.

Complaints against corporations for neglect to comply, etc., may be brought by the chief of the district police, etc.

Assignment of future wages to the corporation not valid.

Approved June 11, 1887.

AN ACT TO AMEND THE CHARTER OF THE CITY OF LAWRENCE
RELATING TO THE APPOINTMENT OF ASSISTANT ASSESSORS.

Chap. 400

Be it enacted, etc., as follows:

SECTION 1. The board of assessors of the city of Lawrence shall annually in the month of March or April appoint one person from each ward of said city who shall be a resident therein to be an assistant assessor. Such person on being confirmed by the mayor and board of aldermen and duly sworn to the faithful discharge of his duties shall be qualified to perform all the duties of an assistant assessor. Any vacancy occurring in any such office shall be filled by the appointment of some person

Board of assessors to appoint one assistant assessor from each ward.

Vacancies.

for the unexpired portion of the term by said board of assessors, and the person so appointed shall be confirmed and qualified as above set forth.

Repeal.

SECTION 2. So much of chapter seventy of the acts of the year eighteen hundred and fifty-three as is inconsistent with this act is hereby repealed.

Present assistant assessors to continue until new appointees are qualified.

SECTION 3. This act shall take effect upon its passage, but persons now holding the office of assistant assessors shall continue in office until the appointment and qualification of such officers under this act.

Approved June 11, 1887.

*Chap.*401 AN ACT RELATING TO THE ENFORCEMENT OF THE LAW FOR PLACING PAUPER CHILDREN IN FAMILIES.

Be it enacted, etc., as follows:

Pauper children may be placed out in families by board of lunacy and charity when overseers fail, etc.

SECTION 1. Whenever the overseers of the poor of any city except the city of Boston fail to place out according to the provisions of section three of chapter eighty-four of the Public Statutes any pauper child in their charge for two months from the date of their receiving of such child, then the authority vested in said overseers under said section three may be exercised by the state board of lunacy and charity, to the exclusion of said overseers, and under the authority of the state board of lunacy and charity such child shall be supported by the city in the same manner as if placed out by its overseers of the poor, and shall be subject to the visitation of the said state board of lunacy and charity, its officers or agents, until the said state board of lunacy and charity shall be furnished with evidence satisfactory to said board that the overseers will properly care for such child in accordance with the provisions of said section three.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1887.

*Chap.*402 AN ACT TO INCORPORATE THE MANSFIELD WATER COMPANY.

Be it enacted, etc., as follows:

Mansfield Water Company incorporated.

SECTION 1. John W. Rogers, D. S. Spaulding, Alfred V. Rogerson, A. B. Day, John Birkenhead, C. A. McAlpine, David E. Harding, William B. Rogerson, William A. Copeland, James W. White, C. T. Borden, F. W. Spaulding, John B. Wilson, S. W. Card, A. C. Hardon, William C. Winter, Frederick Paine, George F. Austin,

their associates and successors, are hereby made a corporation by the name of the Mansfield Water Company, for the purpose of furnishing the inhabitants of Mansfield with water for the extinguishment of fires and for domestic and other purposes ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Powers and duties.

SECTION 2. The said corporation, for the purposes aforesaid, may take by purchase or otherwise and hold the waters of the Canoe river above Pratt street in the town of Mansfield, and the waters of the Rumford river above the Old Colony railroad in said town, or the waters of any springs or other sources on the water-sheds of said rivers above said points, with the water rights and water sources connected therewith, and may also take by purchase or otherwise and hold all lands, rights of way and easements in the towns of Mansfield and Foxborough necessary for taking, holding and preserving such waters, and for conveying the same to any part of said town of Mansfield ; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works ; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, roads, railroads or other ways, and along any street, highway or other way in said towns of Mansfield and Foxborough, in such manner as when completed shall not unnecessarily obstruct the same ; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other purposes of this act, said corporation may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel ; but all things done upon any street, road or highway shall be subject to the direction of the selectmen of the town in which such street, road or highway is situated : *provided*, that no conduits or pipes other than those required to divert the waters taken under the authority of this act, and conduct the same to the said town of Mansfield, shall be laid in and through any street, road or highway in the said town of Foxborough.

May take certain waters of Canoe and Rumford rivers.

May make excavations, lay down conduits, etc.

Subject to the direction of the selectmen.

Description of land, etc., taken to be recorded in registry of deeds within sixty days.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the president of the corporation.

Damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property, or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said two years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until water is withdrawn.

May distribute water through Mansfield and fix and collect water rates.

SECTION 5. The said corporation may distribute the water through said town of Mansfield; may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or with any fire or other district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fires or for other purposes, as may be agreed upon by said town, or such fire or other district, individual or corporation, and said corporation. And said town of Mansfield or any fire or other district or corporation therein is authorized to make such contracts for a supply of water with said corporation.

Real estate and capital stock

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed seventy-five

thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 7. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure by mortgage.

SECTION 8. The said corporation may by vote, from time to time, fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

Amount of water to be taken to be determined by vote from time to time.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding six months.

Penalty for polluting water etc.

SECTION 10. The said town of Mansfield, or any fire district that is or may hereafter be legally organized therein, shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation on payment to said corporation of the total cost of its franchise, works and property of any kind, held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. The said town or

Town or any fire district may take franchise and property at any time.

To assume all outstanding obligations of corporation.

such fire district, on taking, as herein provided, the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town or such fire district to said corporation. In case of a foreclosure of the bonds authorized by this act, the said town or such fire district may take possession of the property and rights of said corporation on the payment of said bonds, principal and interest. In case said town or such fire district and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then upon a suit in equity by said town or such fire district, the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town or such fire district to take possession of such franchise, corporate property, rights and privileges upon payment of such cost to said corporation.

Subject to a two-thirds vote of town or fire district.

This authority to take said franchise and property is granted on condition that the taking is assented to by said town or such fire district by a two-thirds vote of the voters of said town or such fire district, present and voting thereon at a meeting legally called for that purpose.

May issue bonds, etc., to pay for franchise and property.

SECTION 11. The said town or such fire district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words Mansfield Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said town or such fire district, and be countersigned by the water commissioners hereinafter provided for. The said town or such fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town or such fire district shall pay the interest upon said loan as it accrues,

May sell bonds at public or private sale.

and shall provide for the payment of said principal at maturity by establishing at the time of contracting said loan a sinking fund, or from year to year, by such annual proportionate payments as will extinguish the same within the time prescribed by this act. In case said town or such fire district shall decide to establish a sinking fund, it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town or such fire district shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall, without further vote be raised annually by taxation in the same way as money is raised for other town or fire district expenses.

To establish a sinking fund or provide for annual proportionate payments.

SECTION 12. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken for the payment of annual proportions of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Return to state amount of sinking fund, etc.

SECTION 13. After the purchase of said franchise and corporate property as herein provided, the said town or such fire district shall raise annually by taxation a sum which, with the income derived from the sale of water, shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds, notes and scrip issued by said town or such fire district, together with such payments on the principal as may be required under the provisions of this act. Said town or such fire district is further authorized, by assent of two-thirds of the voters of said town or such fire district present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding three thousand dollars in any one year.

To raise annually by taxation sufficient to pay current expenses and interest.

SECTION 14. The said town or such fire district shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one

Board of water commissioners to be elected.

until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town or such fire district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town or such fire district may impose by its vote; the said commissioners shall be the trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or such fire district, at any legal meeting called for the purpose. No money shall be drawn from the town or fire district treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said town or such fire district in writing of their doings and expenditures.

To be trustees of sinking fund.

Vacancies.

To make report annually.

Act void unless work is commenced within two years.

SECTION 15. This act shall take effect upon its passage, but shall become void unless work is commenced within two years from the date of its passage; but no work shall be done or money expended by said corporation for the purposes of this act other than for surveys, examinations and plans until the said town of Mansfield or any fire or other district formed therein shall have agreed by duly recorded vote of the voters present and voting thereon, at a legal meeting called for the purpose, to enter into a contract with said corporation for a supply of water for extinguishing fires as provided in section five hereof.

Approved June 13, 1887.

Chap. 403 AN ACT TO AUTHORIZE THE TOWN OF FRAMINGHAM TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

May maintain a system of sewage disposal.

SECTION 1. The town of Framingham may lay out, construct and maintain a system of sewage disposal for said town, and may connect the same by sewers with the

sewers of said Framingham, and shall have full power to take, by purchase or otherwise, any lands, water rights, rights of way or easements in the towns of Framingham and Natick, or either of them, necessary for the establishment of such system of sewage disposal and the connections therewith: *provided, however,* that any land taken for the purpose of sewage disposal in either town shall be located on the northerly side of the Worcester turnpike within the area bounded by a dotted line marked “Divide between Boston Water Supply Basin and Lower Sudbury River Basin,” as shown in Plate No. XX., opposite page one hundred and eighty-eight in “Report of a commission appointed to consider a general system of drainage for the valleys of the Mystic, Blackstone and Charles rivers,” made to the legislature of the year eighteen hundred and eighty-six in accordance with chapter sixty-three of the resolves of the year eighteen hundred and eighty-four.

Proviso.

SECTION 2. No act shall be done under authority of the preceding section until said system and location has been approved by the state board of health, after fourteen days' notice by said board of the presentation to it of such system for its approval, by a publication of such notice, with the time and place for a hearing thereon, in such papers and at such times as said board may deem proper, and by an official notice in writing to the selectmen of the town of Natick; and said board after hearing may reject such system, may approve it or may modify and amend the same, and approve it as so modified and amended.

Location to be first approved by the state board of health.

SECTION 3. When any lands, water rights, rights of way, easements or other real estate are to be taken by said town, under and by virtue of this act, in any manner other than by purchase, said town shall file and cause to be recorded in the registry of deeds for the county and district in which said lands, water rights, or other real estate lie, a description of the same as certain as is required in a common conveyance of land, with a statement of the purpose for which the same is taken; and upon such filing the title to the lands, water rights, rights of way, easements or other real estate so described shall vest in said town.

To cause to be recorded in the registry of deeds a description of land, etc., taken.

SECTION 4. Said town shall pay all damages sustained by any person or corporation in property by reason of such

Damages to be paid by the town.

taking, and any person or corporation sustaining damage as aforesaid, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property.

May carry sewers under highways, railroads, etc.

SECTION 5. Said town may, for the purposes of this act, carry its sewers and drains under any street, railroad, highway or other way in such a manner as not unnecessarily to obstruct the same; and may, in the town of Natick, enter upon and dig up such street, highway or other way for the purpose of laying, maintaining and repairing any such sewers and drains; and may enter upon and dig up any private land, and do any other thing, necessary or proper, in executing the purposes of this act.

Town may offer in court that a specified sum may be awarded as damages.

SECTION 6. In every case of a petition for the assessment of damages, or for a jury, the said town may offer in court, and consent in writing, that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the sum so offered, not including interest on the sum recovered in damages from the date of the offer, the said town shall be entitled to recover its costs after said date, and the complainant, if he recover damages, shall be allowed his costs only to the date of the offer.

May issue notes, bonds or scrip.

SECTION 7. Said town of Framingham is hereby authorized to raise and appropriate in such manner as it shall determine, subject to the provisions of chapter twenty-nine of the Public Statutes such sum of money as shall be required to carry out the provisions of this act, and for money borrowed may from time to time issue negotiable bonds, notes or scrip, payable at the expiration of periods not exceeding twenty years from the date of issue, and bearing such rate of interest not exceeding six per centum per annum as said town may determine. The said town may sell such securities at public or private sale, or pledge the same for not less than the par value for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may make payable annually a fixed proportion of the

May sell securities at public or private sale.

principal of said bonds, notes or scrip, and said town shall annually raise by taxation the amount required to meet such interest and the proportion of the principal payable annually. The sinking funds of any loan of said town may be invested in said bonds, notes or scrip. Sinking fund.

SECTION 8. The Commonwealth of Massachusetts shall have the right to discharge into the main sewer of such system of sewage disposal the sewage from the reformatory prison for women in the town of Sherborn, paying for such privilege such percentage of the cost of construction of said system and such percentage of the annual expense of maintaining and operating the same as may be agreed upon between said town of Framingham and said Commonwealth through its board of prison commissioners, and in case said town and commissioners shall be unable to agree, then such compensations to be so paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either said town or said board of prison commissioners, and notice to the other of said parties, whose award when accepted by said court shall be final and binding upon said town and Commonwealth. Disposal of sewage at reformatory prison for women.

SECTION 9. In carrying out the plan authorized by this act, the town of Framingham shall at all times manage and dispose of its sewage in such a manner as not to render injurious to the public health, the waters of the lower Sudbury river into which any effluent from its sewage is discharged. If, at any time, a nuisance is created, or the waters aforesaid are rendered injurious to the public health, the state board of health shall, upon application of the selectmen of any town adjacent to said Framingham or to the waters aforesaid, alleging the existence of a nuisance, or the pollution of the waters aforesaid to such a degree as to be injurious to the public health, appoint a time and place for a public hearing thereon, and give due notice thereof to all parties interested. After such hearing, the state board may, if in its judgment there is occasion therefor, order the town of Framingham to abate such nuisance, or to cleanse or purify the polluting substances before they are discharged into the Sudbury river in such a manner and to such a degree that they shall no longer be deleterious to the public health. Any court having jurisdiction in equity, may upon the application of said board or the selectmen of any town authorized by To dispose of sewage so as not to injure the waters of Sudbury river.

this section to enter a complaint, by any process or decree, enforce the orders of the said board in the premises.

Subject to acceptance by a majority vote.

SECTION 10. This act shall take effect upon its passage, but no expenditure shall be made or liability incurred under the same except for preliminary surveys and estimates unless this act shall be first accepted by a vote of a majority of the legal voters of said town present and voting thereon at a legal meeting called for that purpose within two years from the passage of this act, and not more than three of said meetings shall be called each year during said years.

Approved June 13, 1887.

Chap. 404 AN ACT TO PROVIDE FOR THE INCORPORATION OF CHURCHES.

Be it enacted, etc., as follows:

Churches may be incorporated.

SECTION 1. Any church now existing or that may be hereafter organized in this Commonwealth, may be incorporated according to the provisions of this act.

Notice to be posted of time and place of meeting for incorporation.

SECTION 2. A notice signed by one or more of the members of such a church, stating the object, time and place of the meeting for the incorporation of the church, and the first election of officers under the provisions of this act, shall be posted in a conspicuous place near one of the principal entrances of the usual place of meeting of said church, at least fifteen days previous to the time for such meeting.

Election of officers.

SECTION 3. The resident members of such church of twenty-one years of age and upwards may assemble at their place of worship and by ballot elect a moderator, clerk, treasurer, a standing committee of not less than three nor more than seven members and such other officers as they may deem necessary. The clerk shall be sworn.

Church may make by-laws.

SECTION 4. The church may prescribe by its by-laws the manner in which and the officers and agents by whom the purposes of its incorporation may be carried out. When no provision is made by any vote or by-law of the church for calling meetings, they shall be called in such manner as the standing committee may direct.

Standing committee to certify the organization to the commissioner of corporations.

SECTION 5. The standing committee so elected shall certify the organization of such a church to the commissioner of corporations in such form as he shall prescribe, who with the secretary of the Commonwealth, upon payment of a fee of five dollars to the secretary, shall perform

the same duties and with the same legal effect as in the case of corporations organized under chapter one hundred and fifteen of the Public Statutes; and, except as provided in this act churches incorporated under the provisions of this act, shall have the same powers and privileges and shall be subject to the same duties, restrictions and liabilities as corporations established under said chapter one hundred and fifteen.

Provisions of P. S. 115 to apply.

SECTION 6. None but members of such a church shall be members of any such corporation, and none but resident members of such church of twenty-one years of age and upwards shall vote.

None but members of the church to be members of the corporation.

SECTION 7. The deacons of any such church, holding real or personal estate under the provisions of chapter thirty-nine of the Public Statutes, may convey any such estate to the church of which they are deacons, if incorporated under the provisions of this act, and such estate shall thereafter be held by the church, subject to the same uses and trusts as when held by said deacons.

Deacons may convey estate to the incorporated church.

SECTION 8. Any religious society connected with a church incorporated under the provisions of this act, may at any meeting in the call for which notice has been given of the object of the meeting, by a three-fourths vote, authorize one or more persons in its name and behalf to convey to such church any real or personal estate belonging to it, and such estate shall thereafter be held by the church subject to the same uses and trusts as when held by said religious society.

Religious societies may convey estate to such church.

Approved June 13, 1887.

AN ACT TO AUTHORIZE THE PITTSFIELD FIRE DISTRICT AND THE COUNTY OF BERKSHIRE TO CONSTRUCT CERTAIN SEWERS IN THE TOWN OF PITTSFIELD.

Chap. 405

Be it enacted, etc., as follows:

SECTION 1. The fire district of the town of Pittsfield is hereby authorized to construct a main drain or common sewer in said fire district, from a point near the dam of Martin Van Sichler's cotton factory, to a point on or near the lands of Daniel J. Dodge, near the Boston and Albany Railroad, under the provisions of chapter one hundred and twenty of the acts of the year eighteen hundred and seventy-eight; but the board of commissioners of sidewalks, common sewers and main drains of said fire district shall not assess upon the lands benefited thereby any greater proportion of the whole expense of making said

Fire district may construct a main drain or common sewer.

sewer than said fire district shall direct, and in no event to exceed more than two-thirds of said expense.

May construct a common sewer from the house of correction.

SECTION 2. The said fire district is authorized also to construct a common sewer from the house of correction in said fire district to some convenient point in the line of the sewer or main drain described in section one, and make an agreement with the county of Berkshire for the payment of the expense of the sewer described in this section, and its connection with said first mentioned sewer. The commissioners of Berkshire county are hereby authorized in their discretion to pay to said fire district such a sum of money towards the construction of said sewer from said house of correction to, and its connection with, said sewer described in section one, as to them shall seem reasonable. And said county commissioners are authorized to borrow on the credit of said Berkshire county, and to use for the purpose aforesaid, the sum of three thousand dollars.

Payment by the county of Berkshire.

Fire district may borrow not exceeding \$12,000.

SECTION 3. For the purposes named in this act, said fire district is hereby authorized to borrow on the credit of said fire district a sum of money not exceeding twelve thousand dollars, to be paid as follows, namely: one-third thereof out of the taxes of the year eighteen hundred and eighty-eight, one-third thereof out of the taxes of the year eighteen hundred and eighty-nine, and one-third thereof out of the taxes of the year eighteen hundred and ninety.

Repeal.

SECTION 4. Chapter three hundred and one of the acts of the year eighteen hundred and eighty-five is hereby repealed, and nothing herein contained shall authorize said Pittsfield fire district or county of Berkshire to discharge its sewage, or any part thereof, into the Housatonic river or any tributary thereof, until purified in such manner as the board of health of said town of Pittsfield may determine.

SECTION 5. This act shall take effect upon its passage.

Approved June 13, 1887.

Chap. 406 AN ACT PROVIDING FOR THE SEIZURE OF IMPLEMENTS AND FURNITURE USED IN THE ILLEGAL SELLING OF INTOXICATING LIQUORS.

Be it enacted, etc., as follows:

Implements of sale and furniture used in

SECTION 1. Section thirty of chapter one hundred of the Public Statutes is hereby amended by inserting after the

word "contained" in the fifteenth line of said section the words:—and all implements of sale and furniture used in the sale of such liquor.

illegal sale of intoxicating liquors may be seized, etc.

SECTION 2. Section thirty-three of chapter one hundred of the Public Statutes is hereby amended by inserting after the word "contained" in the third line of said section the words:—and all implements of sale and furniture used in the sale of such liquor.

Implements to be safely kept, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 13, 1887.

AN ACT TO PROVIDE FOR THE LEVY OF EXECUTIONS ON REAL ESTATE WHEN SUCH LEVY IS SUSPENDED BY REASON OF A PRIOR ATTACHMENT.

Chap. 407

Be it enacted, etc., as follows:

SECTION 1. Whenever any real estate is seized on execution and the further service of the execution is suspended by reason of a prior attachment of the same estate, the officer making such seizure shall cause the same to be recorded in the same manner as the record of an attachment of real estate on mesne process is made and such record shall be sufficient notice of said seizure and the levy on said real estate shall be considered as made at the time of said seizure if the said record is made within three days after said seizure, otherwise at the time said record is made, and the estate shall remain bound by such seizure until it is set off or sold in whole or in part, under the prior attachment or until that attachment is dissolved.

Levy of executions upon real estate when suspended by a prior attachment.

SECTION 2. If the levy is suspended as provided in the preceding section the provisions of section fifty-three of chapter one hundred and seventy-one of the Public Statutes shall apply to the subsequent disposition of said estate.

Provisions of P. S. 171, § 53, to apply.

SECTION 3. This act shall take effect upon its passage.

Approved June 13, 1887.

AN ACT TO AUTHORIZE THE TOWN OF WEYMOUTH TO MAKE AN ADDITIONAL WATER LOAN.

Chap. 408

Be it enacted, etc., as follows:

SECTION 1. The town of Weymouth, for the purposes mentioned in section four of chapter one hundred and seventy-four of the acts of the year eighteen hundred and

Town of Weymouth may make an additional water loan.

PROVISOR.

eighty-one, may issue notes, bonds or scrip to be denominated on the face thereof Weymouth Water Loan, to an amount not exceeding fifty thousand dollars, in addition to the amount heretofore authorized by law to be issued by said town, for the same purposes; said notes, bonds or scrip to be issued upon the same terms and conditions, and with the same powers as are provided in said act for the issue of the Weymouth water loan by said town: *provided, however,* that the said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper; and *provided, also,* that the whole amount of such notes, bonds or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of three hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1887.

Chap. 409 AN ACT TO AUTHORIZE THE CITY OF SALEM TO ASSESS BETTERMENTS FOR WORK TO BE DONE UNDER CHAPTER THREE HUNDRED AND TWENTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SIX.

Be it enacted, etc., as follows:

City of Salem may assess betterments resulting from filling of flats, etc.

SECTION 1. In taking lands and flats under the authority of chapter three hundred and twenty-four of the acts of the year eighteen hundred and eighty-six, for the purposes named in said chapter, the city of Salem may proceed according to the provisions of chapter fifty-one of the Public Statutes and may assess betterments resulting not only from the laying out, alteration, widening, grading or discontinuance of streets, but also from the filling of flats and improvement of lands so taken; but in estimating the cost of such laying out, alteration, widening, grading or discontinuance, and of such filling and improvement of flats and lands there shall be first deducted therefrom all sums received from the sale of lands so taken whether filled or improved or not, and the value, as estimated by the board of aldermen of said city, of any lands so taken whether filled or improved or not, which have not at the time of such assessment been sold, and which said city does not retain for public use; but

the estimate of said board of the value of lands not then sold and not retained for public use shall be subject to revision as other acts of said board may be under this act; and one-half of the balance of such cost may be assessed as betterments as aforesaid.

SECTION 2. All the work and improvements provided for in said chapter three hundred and twenty-four shall be held to be completed at such time within three years after the passage of this act as said board of aldermen may by vote determine; and the provisions of chapter fifty-one of the Public Statutes shall apply to assessments of betterments made under this act; but this act shall not prevent any assessment of betterments which might have been made if this act had not been passed.

Provisions of P. S. 51 to apply.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city, at any time within six months from its passage. *Approved June 13, 1887.*

Subject to acceptance by city council within three months.

AN ACT TO FURTHER PROVIDE FOR A UNION RAILROAD PASSENGER STATION BETWEEN CHARLES RIVER AND CAUSEWAY STREET IN THE CITY OF BOSTON.

Chap. 410

Be it enacted, etc., as follows:

SECTION 1. The Boston and Maine Railroad, when it shall have leased the franchises and property of the Boston and Lowell Railroad Corporation pursuant to chapter sixty-seven of the acts of the year eighteen hundred and eighty-three, shall, as soon as practicable thereafter, cause plans and drawings to be prepared for a union passenger station on Causeway street, for the use of said Boston and Maine Railroad, the Boston and Lowell Railroad, the Eastern Railroad Company and the Fitchburg Railroad Company and for such approaches thereto, and such changes, re-locations and arrangements of the passenger tracks leading thereto and southerly of Mystic river, as shall avoid as far as practicable the crossings of the passenger tracks of the companies hereinbefore named with each other and with any other railroad or railroads at grade. When said plans and drawings are prepared as above required they shall be furnished to said Fitchburg Railroad Company, which, within six months thereafter, shall either assent to the same or prepare other plans and drawings for the accomplishment of the same purposes. At the expiration of said six months, said plans and

Union railroad passenger station in Boston.

Plans to be prepared and furnished to the Fitchburg Railroad.

drawings, either as agreed to or as prepared by said corporations, respectively, shall be submitted to the board of railroad commissioners, which, after due notice to and hearing of said corporations, and all other parties interested shall approve the same, or one of them, with such changes and alterations in either, and in said station or in the arrangement and location of tracks as in their judgment the safety and convenience of the public and the interests of all said corporations require; and all orders and directions of said board in respect thereto shall be binding on all said corporations.

Boston and
Maine Railroad
to commence
construction
upon approval
of plans.

SECTION 2. Immediately upon the approval of said plans, said Boston and Maine Railroad shall begin the work of constructing said station and of arranging and locating the tracks of said several railroad corporations according to said plans, and shall complete said station and the approaches thereto, together with all changes and arrangements necessary for the use of the same according to said plans within five years from the first day of July in the year eighteen hundred and eighty-seven: *provided, however,* that the Fitchburg Railroad Company shall have the right to do, on its own location, all the work of construction and alteration required under the operation of this act.

Proviso.

Grade crossings
to be done
away with.

SECTION 3. That the grade crossings of the railroads of the several companies above named with each other or with any other railroad or with any highway may be done away with according to said plans, the tracks of any of them may be re-located on the location of any other railroad or elsewhere, may be carried over or under those of any other railroad or of any highway, and all such changes may be made in the grade, location or construction thereof, including the discontinuance of any existing railroad or highway location, as may be requisite. The several corporations herein named and any other railroad corporation affected by the provisions of this act are hereby respectively required to do and consent to all acts and things necessary to enable the Boston and Maine Railroad to construct the union station and make the separations of grade crossings contemplated by this act according to said plans, and to that end each of them may and shall buy or take, or shall permit said Boston and Maine Railroad in its name to buy or take, such additional land or materials as may be requisite. Each of the cor-

porations herein named may sell and convey its interest in any land not required for railroad purposes under the operation of this act. And in the exercise of the powers granted by this act each of said corporations and any person or corporation sustaining damage shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions which are or may be provided by the general laws in the like cases, except as herein otherwise provided.

SECTION 4. The cost of said station, of the approaches thereto, of the separations of grade crossings and of the re-locations and arrangements of tracks provided for by this act shall be borne in the first instance by the Boston and Maine Railroad, which for such purposes may issue bonds to such amount as may be required, to be called Boston and Maine Terminal Bonds, and to be in addition to any bonds it may be authorized to issue under general laws. But the cost of land acquired and added to the property of any other railroad corporation, the cost of re-grading and reconstructing the road of such other corporation on its own land or location, and its due proportion of the cost of carrying its road over or under the road of any other corporation, or over or under any highway, shall as soon as ascertained be repaid by such corporation to said Boston and Maine Railroad, and be by it carried to a sinking fund for the payment of said terminal bonds: *provided, however,* that nothing herein shall be construed to in any way affect the contracts of said Boston and Maine Railroad with the companies whose roads are leased by it. Said station, with all the tracks and approaches thereto on land of the said Boston and Maine Railroad or of corporations whose roads are leased by it, shall be kept in repair by and shall be in charge of said Boston and Maine Railroad, except as respects the offices and tracks assigned for the separate use of said Fitchburg Railroad Company, as hereinafter provided. The Fitchburg Railroad Company shall use said station, and shall have in said station the exclusive use and control of a group of at least six tracks as well as of independent corporation and ticket offices, and for the use of said station and of the tracks and approaches thereto on land of the said Boston and Maine Railroad, or of corporations whose roads are leased by it, shall pay semi-annually a reasonable rent, which rent, if not agreed to by the parties, shall be deter-

Damages.

Cost of station, etc., to be borne in the first instance by the Boston and Maine Railroad.

Not to affect contracts of the Boston and Maine Railroad with companies whose roads are leased by it.

mined by the board of railroad commissioners and may be revised and altered thereafter from time to time at intervals of not less than five years, upon a petition presented to said board by either the Boston and Maine Railroad or said Fitchburg Railroad Company, which rent shall not be increased or decreased in consequence of change of value of the land, except so far as the change may affect the taxes paid by the Boston and Maine Railroad.

Rules and regulations for use of station to be made by the railroad commissioners.

SECTION 5. The board of railroad commissioners shall, upon the application of either of said corporations, make and establish such rules and regulations for the use of said station by said corporations as it deems just and reasonable, and upon like application may change the same from time to time.

Tide-waters or lands of the Commonwealth not to be occupied without consent of the harbor and land commissioners.

SECTION 6. Nothing in this act shall authorize the taking or occupation of any tide-waters or lands belonging to the Commonwealth or any rights or privileges therein, nor authorize the erection of any structure in tide-water without the consent in writing of the board of harbor and land commissioners and except in accordance with the provisions of chapter nineteen of the Public Statutes, or be construed to permit the access to the sea of the littoral proprietors on Miller's river above the existing railroad bridges of the Boston and Maine Railroad and Eastern Railroad Company to be obstructed or interrupted except in the manner provided by chapter three hundred and two of the acts of the present year or by bridges with suitable draws, said bridges and draws to be consented to and approved by the board of harbor and land commissioners.

SECTION 7. This act shall take effect upon its passage.

Approved June 13, 1887.

Chap. 411 AN ACT CONCERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS.

Be it enacted, etc., as follows:

Enrolment of the militia.

SECTION 1. Every able-bodied male citizen, resident within this state, of the age of eighteen years and under the age of forty-five years, excepting persons exempted by sections two, three and five, and idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crime, shall be enrolled in the militia. Persons so convicted after enrolment shall forthwith be disenrolled; and in all cases of doubt respecting

the age of a person enrolled, the burden of proof shall be upon him.

SECTION 2. In addition to the persons exempted from enrolment in the militia by the laws of the United States, the persons hereinafter mentioned shall also be absolutely exempted from enrolment, viz.: Justices and clerks of courts of record; registers of probate and insolvency; registers of deeds, and sheriffs; officers who have held or may hold commissions in the regular or volunteer army or navy of the United States; officers who have held, for a period of five years, commissions in the militia of this or any other state of the United States, or who have been superseded and discharged, or who held commissions in any organization of the Massachusetts volunteer militia at the time of its disbandment; ministers of the gospel; practising physicians; superintendents, officers and assistants employed in or about either of the state hospitals, state almshouses, state prisons, jails or houses of correction; keepers of lighthouses; conductors and engine-drivers of railroad trains; seamen actually employed on board of any vessel, or who have been so employed within three months next preceding the time of enrolment.

Exempts from enrolment.

SECTION 3. Every person of either of the religious denominations of Quakers or Shakers, who, on or before the first Tuesday in May, annually, produces to the assessors of the city or town in which he resides a certificate signed by two or more of the elders or overseers, as the case may be, and countersigned by the clerk of the society with which he meets for public religious worship, shall be exempted from enrolment. The certificate shall be in form as follows:—

Quakers, etc., exempted upon certificate of elders.

We, the subscribers of the society of the people called
in the of , in the county of ,
do hereby certify that is a member of our society,
and that he frequently and usually attends religious worship
with said society, and we believe he is conscientiously scrupu-
lous of bearing arms.

A. B. { Elders or Overseers
C. D. { (as the case may be).

E. F., Clerk.

SECTION 4. If elders or overseers of a society of Quakers or Shakers give the certificate provided in the preceding section to a person who does not profess the

Penalties for giving false certificate.

religious faith of their society, or who is not a member thereof, or who is not conscientiously scrupulous of bearing arms, each elder or overseer so offending shall forfeit two hundred dollars to the use of the Commonwealth, and be imprisoned not exceeding six months; and any person claiming to be exempted from enrolment by virtue of such a certificate who does not profess the religious faith or is not a member of the society named therein, or who is not conscientiously scrupulous of bearing arms, shall be liable to the same penalty.

Members of fire department exempted from military duty.

SECTION 5. Engine-men or members of the fire department in a city or town shall be exempted from military duty by forthwith filing with the assessors of the city or town in which they reside a certificate that they are engine-men or members of the fire department as aforesaid, signed by the mayor and aldermen or fire commissioners of such city or the selectmen of such town; but when a member of a volunteer company is, after his enlistment, appointed an engine-man or member of the fire department, it shall not vacate his enlistment.

Enrolled militia subject to no active duty except in case of war, etc.

SECTION 6. The enrolled militia shall be subject to no active duty except in case of war, invasion, the prevention of invasion, the suppression of riots and to aid civil officers in the execution of the laws of the Commonwealth.

Assessors to make list of persons liable to enrolment.

SECTION 7. Assessors shall annually, in May or June, make a list of persons living within their respective limits liable to enrolment, and place a certified copy thereof in the hand of the clerks of their respective cities and towns, who shall place it on file with the records of such city or town, and annually, in May, June or July, transmit returns of the militia thus enrolled to the adjutant general.

Keepers of taverns and masters of dwelling houses to give names to assessors.

SECTION 8. Keepers of taverns or boarding houses, and masters and mistresses of dwelling houses, shall, upon application of the assessors within whose bounds their houses are situated, or of persons acting under them, give information of the names of persons residing in their houses liable to enrolment or to do military duty, and every such person shall, upon like application, give his name and age; and if such keeper, master, mistress or person refuses to give such information, or gives false information, such keeper, master or mistress shall forfeit twenty dollars, and such person shall forfeit twelve dollars, to be recovered on complaint of either of the assessors.

SECTION 9. When it is necessary to call out any portion of the enrolled militia for active duty, the commander-in-chief shall direct his order to the mayor and aldermen of cities or to the selectmen of towns, who, upon receipt of the same, shall forthwith, by written or oral notice to each individual, or by proclamation, appoint a time and place for the assembling of the enrolled militia in their city or town, and shall then and there proceed to draft as many thereof, or to accept as many volunteers as is required by the order of the commander-in-chief, and shall forthwith forward to the commander-in-chief a list of the persons so drafted or accepted as volunteers.

Calling out enrolled militia for active duty.

SECTION 10. Every member of the enrolled militia ordered out, or who volunteers or is detached or drafted, under the provisions hereof, who does not appear at the time and place designated by the mayor and aldermen or selectmen, or who has not some able-bodied and proper substitute at such time and place, or does not pay to such mayor and aldermen or selectmen, for the use of the Commonwealth, seventy-five dollars within twenty-four hours from such time, or who does not produce a sworn certificate from a physician in good standing of physical disability to so appear, shall be taken to be a deserter and dealt with accordingly. The portion of the enrolled militia so accepted shall be immediately mustered into the service of the Commonwealth for three years, or such less period as the commander-in-chief may direct, and shall be organized into companies which may be arranged in battalions or regiments, or assigned to organizations of the volunteer militia already existing. Such new organizations shall be officered, equipped, trained and governed according to the laws for government of the volunteer militia. Elections shall forthwith be ordered in such new organizations by the commander-in-chief, who may detail officers to train and command them until the officers elect shall have qualified and shall have passed the examination required by section fifty-three.

Penalty for not appearing when drafted.

Militia accepted to be immediately mustered into the service of the Commonwealth.

Election of officers.

SECTION 11. The staff of the commander-in-chief shall consist of an adjutant general, with the rank of major general, who shall be ex officio chief of staff; an inspector general, a quartermaster general, a commissary general, a surgeon general and a judge advocate general, each with the rank of brigadier general, who shall take preced-

Staff of the commander-in-chief.

ence in the order named; and four aides-de-camp, each with the rank of colonel; and such additional officers of the staff as the public service may require, with such rank as the commander-in-chief may designate. They shall be commissioned and hold office until their successors are appointed and qualified, but may be removed at any time by the commander-in-chief. In times of peace, unless otherwise directed by the commander-in-chief, the adjutant general shall be inspector general, quartermaster general, commissary general and chief of ordnance.

Adjutant general to distribute all orders from the commander-in-chief.

SECTION 12. The adjutant general shall distribute all orders from the commander-in-chief; attend all public reviews when the commander-in-chief shall review the militia, or any part thereof; obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States: furnish blank forms for the different returns and rolls as may be required; receive from the several officers of the different corps throughout the state returns of the militia under their command, reporting the actual condition of their uniforms, arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the advancement of good order and discipline, — all of which the several officers of the volunteer militia are hereby required to make, so that the adjutant general may be furnished therewith; and from all said returns he shall make proper abstracts, and lay the same annually before the commander-in-chief; and he shall annually, on or before the first Monday in January, make a return in duplicate of the militia of the state, with the condition of their uniforms, arms, accoutrements and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander-in-chief and the other of which he shall transmit to the president of the United States. He shall also, subject to the orders of the commander-in-chief, attend to the prosecution of soldiers' claims.

To make annual report

To prosecute soldiers' claims.

Salary of adjutant general and of clerks.

SECTION 13. He shall receive a salary of three thousand six hundred dollars a year, and may employ five clerks, one at a salary of two thousand dollars a year, two at sixteen hundred dollars each a year, and two at twelve

hundred dollars each a year, and a messenger at a salary of eight hundred dollars a year. He may employ such additional clerks and other assistants as may be necessary to conduct the business of his department, and such persons as may be necessary in the quartermaster's and ordnance bureau, at an expense in all, not exceeding five thousand five hundred dollars a year.

SECTION 14. The quartermaster general shall give bond to the state in the penal sum of twenty thousand dollars, with two sureties, at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of his office, to use all necessary diligence and care in the safe keeping of military stores and property of the Commonwealth committed to his custody, and to account for and deliver over to his successor, or to any other person authorized to receive the same, such stores and property. The commander-in-chief may require the duties imposed upon the quartermaster general to be performed by any member of his staff, who shall in that case give bond to the state in like manner as is required of the quartermaster general. The quartermaster general, under the orders of the commander-in-chief, shall have the care and control of the state camp-ground, of all state arsenals and magazines, of the soldiers' burial lot and monument at Dedham and all military property of the state excepting such as is by law expressly intrusted to the keeping of other officers. He shall purchase and issue all arms, ammunition, clothing, camp equipage and military supplies and stores of every description except surgical instruments and medical supplies; he shall procure and provide means of transport for the militia and for all its implements, munitions of war and military supplies, such transportation to be in kind whenever practicable. He is authorized to receive into the storehouse at the state camp-ground, from the several militia organizations, such articles of personal property used for military camping purposes as can be accommodated therein; these articles shall be received and delivered at the expense of the owners thereof, and held at such owners' risk. He shall, at the public expense, also provide suitable places for the safe keeping of all munitions of war, intrenching tools and all other implements of war, and shall have the care and management of all lands held by the Commonwealth for military uses. Such tools and implements shall be

Quartermaster general to give bond with sureties.

To have care of camp-ground, arsenals, etc.

To purchase and issue arms, etc.

Repairs of uniforms and equipments.

designated as the property of the Commonwealth by suitable permanent brands or marks on each of them. He may allow proper accounts annually for the repairs of uniforms and equipments. The quartermaster general shall adjust all accounts relating to loans of state military property to cities and towns, institutions and schools, and shall require annual returns of such property and of its condition at such times and in such manner as he may direct, and may at any time, under the direction of the governor, recover the whole or any part of such property, when deemed for the best interests of the Commonwealth.

Penalty for purchasing tools, etc., branded.

SECTION 15. Whoever purchases, retains or has in his possession any tool or implement marked or branded as provided in the preceding section, and not delivered to him by a person thereto authorized, shall be punished by fine not exceeding ten times the value of such tool or implement.

To inspect armories.

SECTION 16. The adjutant general, or such other officers as the commander-in-chief shall indicate, shall inspect, once in each year, and oftener if the commander-in-chief shall deem necessary, all headquarters, armories and all state property in the hands of the militia, and report the condition of same and what should be a proper allowance for rent. The inspector general, or his assistants under his orders, may inspect any organization at any time when the troops thereof are under arms, or in attendance at their armories; but such inspections shall not constitute tours of duty for which pay will be allowed. The inspector general and his assistants shall act under the orders of the commander-in-chief. Assistant inspectors general of brigades shall act under the orders of their brigade commanders, and shall not be interfered with by other officers, of whatever rank or position, belonging to the commands of the officers on whose staffs they are; their sphere of inquiry shall include every branch of military affairs, but may in special cases be defined and limited by orders.

Inspector general may inspect organizations at any time when under arms or at their armories.

Surgeon general, — salary and duties.

SECTION 17. The surgeon general shall receive a salary of twelve hundred dollars a year; and, subject to the orders of the commander-in-chief, shall have general supervision and control of all matters pertaining to the medical department of the militia, and shall prescribe the physical and mental disabilities exempting from military duty; he shall purchase and issue all medical and hospital

supplies, and perform such other duties appertaining to his office as the commander-in-chief shall from time to time direct.

SECTION 18. The judge advocate general shall review all proceedings of courts-martial which require the action of the commander-in-chief, reporting thereon in writing; shall bring such suits as may be required under provisions of this chapter; and shall be the legal adviser of the military department of the Commonwealth in such matters pertaining to the government of the militia as may be referred to him by the commander-in-chief.

Judge advocate general.

SECTION 19. The inspector general, surgeon general, judge advocate general and all other officers of the staff of the commander-in-chief who are, or may be, required to make annual reports, shall forward the same to the adjutant general, on or before the fifteenth day of December in each year; such reports shall be published by him with his annual report to the commander-in-chief.

Annual reports.

SECTION 20. Neither the adjutant general, inspector general, quartermaster general, commissary general or surgeon general, or any assistant of either of them, whether appointed or detailed to act as such, or any subordinate officers of their departments, shall be interested, directly or indirectly, in the purchase or sale of any article intended for, making a part of, or appertaining to, their respective departments, except for and on account of the Commonwealth; nor shall they or either of them take or supply to his or their own use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

Officers not to be pecuniarily interested in purchase or sale of articles.

SECTION 21. The active militia shall be composed of volunteers, and shall be designated the Massachusetts Volunteer Militia, and shall first be ordered into service to resist invasion, quell insurrection, aid in the suppression of riots, to aid civil officers in the execution of the laws of the Commonwealth, or in time of public danger.

Active militia to be composed of volunteers.

SECTION 22. In time of peace, the volunteer militia shall consist of not more than seventy-two companies of infantry, three companies of cavalry, three batteries of light artillery, two corps of cadets and a signal and ambulance corps to each brigade.

Light artillery, cavalry, infantry, cadets and signal and ambulance corps.

SECTION 23. The commander-in-chief shall arrange the artillery, infantry and cavalry into regiments, bat-

To be arranged into brigades and regiments.

Heavy artillery. talions, and, when necessary, unattached companies, and not more than two brigades. There shall be not more than six regiments of infantry, one regiment or more of which, at the discretion of the governor, shall be trained, instructed and exercised in the manual and drill of heavy artillery.

Organization of new companies.

SECTION 24. Petitions for organizing volunteer companies may be granted by the commander-in-chief, due regard being had to a proper distribution of the force through the Commonwealth; such petitions shall be accompanied by the approval of the mayor and aldermen of cities or the selectmen of towns in which a majority of the petitioners reside; but no new company shall be organized except as provided in section ten, if thereby the whole number of companies shall exceed the number established in this act.

Brigadier general and staff.

SECTION 25. To each brigade there shall be one brigadier general, whose staff shall consist of one assistant adjutant general, one medical director, each with the rank of lieutenant colonel; one assistant inspector general, who shall be paymaster and mustering officer for unattached companies of such brigade; one assistant inspector general of rifle practice, each with the rank of major, one brigade quartermaster, one engineer, one judge advocate, one provost marshal and two aides-de-camp, each with the rank of captain. There shall also be allowed to each brigade the following non-commissioned staff officers, viz. : one brigade sergeant major, one brigade quartermaster sergeant, one brigade hospital steward, one brigade provost sergeant, one brigade bugler, one brigade color bearer, two brigade sergeant clerks.

Field and staff officers of regiment.

SECTION 26. To each regiment there shall be one colonel, one lieutenant colonel, one major for every four companies, and a staff, to consist of one surgeon with the rank of major, one adjutant, one quartermaster, one paymaster who shall be the mustering officer, one assistant surgeon and one inspector of rifle practice, each with the rank of first lieutenant, and one chaplain. There shall also be a non-commissioned staff, as follows: one sergeant major, one quartermaster sergeant, one hospital steward, one drum major; there shall also be allowed to each regiment two color sergeants, two general guides, to rank as sergeants, four markers, and one orderly, each to rank as private.

SECTION 27. To each separate battalion of cavalry there shall be one major, and a staff to consist of one surgeon, with the rank of major, one adjutant, one quartermaster, one paymaster who shall be the mustering officer, one inspector of rifle practice and one assistant surgeon, each with the rank of first lieutenant, and one chaplain. There shall also be a non-commissioned staff as follows: one sergeant major, one quartermaster sergeant, one hospital steward, one chief bugler and two guidon sergeants. To each separate battalion of artillery there shall be one major, and a staff to consist of one surgeon, with the rank of major, one adjutant, one quartermaster, one paymaster who shall be the mustering officer, and one assistant surgeon, each with the rank of first lieutenant, and one chaplain. There shall also be a non-commissioned staff as follows: one sergeant major, one quartermaster sergeant, one hospital steward, one chief bugler and two guidon sergeants.

Major and staff officers of battalion.

SECTION 28. To each company of infantry there shall be one captain, one first lieutenant and one second lieutenant, one first sergeant, four sergeants, four corporals, two musicians, and not more than forty-eight privates; and the minimum number of enlisted men shall be forty-one. To each company of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, five corporals, one of whom shall be the guidon, two buglers, and not more than sixty-four privates; and the minimum number of enlisted men shall be fifty-six. To each battery of light artillery of four guns there shall be one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, nine corporals, one of whom shall be the guidon, two buglers, and not more than sixty-six privates; and the minimum number of enlisted men shall be fifty-seven. To each battery of more than four guns there shall be for each additional gun one sergeant, two corporals, and not more than sixteen nor less than nine privates; for each additional two guns there shall be one additional second lieutenant. To each unattached company of cavalry or battery of light artillery there may be a staff to consist of one assistant surgeon, with the rank of first lieutenant, and a non-commissioned staff to consist of one hospital steward.

Company officers, — infantry.

Cavalry.

Battery of light artillery.

Cadets.

SECTION 29. To each corps of cadets there shall be one lieutenant colonel, one major, and a staff to consist of one surgeon, with the rank of major, one adjutant, one quartermaster, one paymaster who shall be the mustering officer, one inspector of rifle practice and one assistant surgeon, each with the rank of first lieutenant, and one chaplain; there shall also be a non-commissioned staff, as follows: one sergeant major, one quartermaster sergeant, one hospital steward and one drum major; and there shall be such number of line officers, not to exceed four captains, four first lieutenants and four second lieutenants and of non-commissioned officers, musicians and privates, as the commander-in-chief shall deem expedient for instruction in the school of the battalion. These corps of cadets shall be instructed, armed and equipped as the commander-in-chief shall direct, and shall receive the same compensation and allowances as separate battalions of infantry; they shall remain unattached, subject only to the orders of the commander-in-chief, except in case of precept as provided in section ninety-nine. To each signal corps there shall be one first lieutenant, one first sergeant, four sergeants and twenty privates. The commissioned officer shall receive the same pay and emoluments as a first lieutenant of cavalry. To each ambulance corps there shall be one second lieutenant, two sergeants and thirteen privates. The commissioned officer shall be a medical officer, and receive the same pay and emoluments as a second lieutenant of cavalry. The ambulance corps shall be instructed in such manner as may from time to time be prescribed by the surgeon general.

Signal corps.

Ambulance corps.

Regimental and battalion bands.

SECTION 30. The commander of a regiment, separate battalion, corps of cadets or unattached company may employ or raise by enlistment a band of musicians, not to exceed twenty-four in number, to be under his direction and command. Such musicians, while on duty, shall be subject to all the laws and regulations for the government of the militia, except that they need not be mustered in as prescribed for enlisted men.

Disbandment.

SECTION 31. The commander-in-chief may at any time disband any company of the volunteer militia when it falls below the proper standard of efficiency.

Eligibility to election or appointment.

SECTION 32. No person shall be eligible to election or appointment to office in the militia of this Commonwealth who is not a male citizen of the United States, of eighteen

years of age or upwards, resident in this state, or who is disqualified by law from enrolment in the militia; but no citizen otherwise qualified shall be ineligible to office in the militia from not having been enrolled therein. No person shall be eligible to military office who is under sentence of disability to hold office or command, or of suspension from command, in the military forces of the United States or of any state. No citizen of the Commonwealth above the age of forty-five years shall on account of such age be ineligible to office in the militia, nor incapable of serving in a volunteer company.

SECTION 33. Commissioned officers shall take rank according to the date of their commissions. Between officers of the same grade and date of appointment or commission relative rank shall be determined by lot. The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof. When a staff officer is continued in his office by a new appointment he shall take rank according to the date of his original commission.

Commissioned officers to take rank according to date of commissions.

SECTION 34. All staff officers of the militia shall be appointed as hereinafter provided, and commissioned by the commander-in-chief, on the request of the several appointing officers, provided that such appointees be eligible; and no judge advocate shall be commissioned unless he be a justice of the peace and a member of the Massachusetts bar. The staff of the commander-in-chief shall be appointed by him; the staff of a brigade, by the brigadier general commanding; the staff of a regiment, separate battalion, corps of cadets or unattached company, by the permanent commander thereof; the officers of signal and ambulance corps, by the brigade commanders.

Appointment of staff officers.

SECTION 35. The officers of the line of the militia shall be elected as follows: Brigadier generals, by the written votes of the field officers of the respective brigades; field officers of regiments, separate battalions and corps of cadets, by the written votes of the captains and lieutenants of the several companies of the respective regiments, separate battalions or corps; captains and lieutenants of companies, by the written votes of the enlisted men of the respective companies, except that in the corps of cadets captains and lieutenants shall be elected by the written votes of the enlisted men of the respective corps.

Election of line officers.

Election of
brigadier
generals.

SECTION 36. Elections of brigadier generals shall be ordered by the commander-in-chief. Elections of other officers of the militia shall be ordered either by the commander-in-chief or by such officers as he may authorize.

Election of
company
officers.

SECTION 37. No election of officers shall be ordered in any company unless there shall be actually enlisted and mustered therein at least the minimum number of enlisted men prescribed in section twenty-eight.

Vacancies to
be filled before
election of field
officers.

SECTION 38. Vacancies in the grades of company officers shall be filled, and the officers elect commissioned, before any choice is made of field officers for the respective organizations; and every vacancy in the grade of field officer shall be filled in each brigade before any choice is made of brigadier general in that brigade.

Elections to be
held at con-
venient place.

SECTION 39. Elections shall be held at the places most convenient for the majority of the electors.

Notice of elec-
tion.

SECTION 40. No notice for an election shall be legal unless given to each elector at least four days previous to the time of the meeting, either verbally or by delivery to him in person, or leaving at his usual place of business or abode the order for such election.

Officers order-
ing elections
may preside or
detail officer of
suitable rank.

SECTION 41. Officers ordering elections may preside, or detail some officer of suitable rank to preside; an officer of the rank of captain may preside at the election of an officer of equal or inferior grade; but no candidate for the vacancy shall preside at the election, except to adjourn the meeting if no proper officer appears to preside.

Presiding officer
to keep record
and make
return to the
adjutant
general.

SECTION 42. At all elections, the presiding officer shall keep a record of the proceedings and shall make a certified return of the election, or of neglect or refusal to elect, within six days thereafter, to the adjutant general, through the proper military channel, for the information of the commander-in-chief; and the officer elect shall, provided he be eligible, thereupon be commissioned and notified to appear before the examining board provided in section fifty-three.

To be furnished
with certified
roster.

SECTION 43. A certified roster of the brigade, regiment, battalion, corps of cadets, or a certified roll of the company or companies, as the case may be, shall be furnished to the presiding officer previous to an election.

Majority of
electors to be
present and
voting.

SECTION 44. No election shall be held unless a majority of the electors are present and voting.

SECTION 45. Elections may be adjourned not exceeding twice, and each adjournment for a period not exceeding two days. Adjournment.

SECTION 46. If there is no quorum, or the electors present fail from any cause to elect and the meeting is adjourned, the presiding officer shall report the facts in writing to the adjutant general. Failing to elect, facts to be reported.

SECTION 47. The person who has a majority of the written votes of the electors present, at a meeting duly notified, shall be deemed elected, and the presiding officer shall forthwith notify him of his election. Election by a majority vote.

SECTION 48. Every person elected to office in the militia shall within three days declare, in writing or in person to the officer presiding at his election, his acceptance or declination of such office, and such declaration shall be made a part of the return of the presiding officer. Acceptance, etc., within three days.

SECTION 49. If, before the meeting for the election of any officer is dissolved, the person chosen signifies either in person or in writing to the presiding officer his refusal to accept, the same shall be recorded and made part of the return, and the electors shall proceed to another election. Upon refusal to accept at meeting, another election may be had.

SECTION 50. When an officer holding a military commission is elected or appointed to another office in the militia, and accepts the same, such acceptance shall vacate the office previously held, but such officer may continue to serve until his successor is qualified in his stead. Acceptance of new office to vacate office previously held.

SECTION 51. When the electors neglect or refuse to elect to fill a vacancy, the commander-in-chief shall, except as provided in the following section, appoint a suitable person. Upon neglect to fill vacancy commander-in-chief may appoint.

SECTION 52. If a company without commissioned officers has been twice ordered to elect officers, and neglects or refuses to elect at least one of such officers, the company may be forthwith disbanded by the commander-in-chief. Company without officers refusing to elect, may be disbanded.

SECTION 53. Every commissioned officer, except the staff officers of the commander-in-chief, medical officers and chaplains shall, upon being notified as provided in section forty-two, appear before an examining board, to consist of the brigade and battalion commanders. The board shall examine the said officer as to his military, moral and general qualifications, and administer to him the oaths as prescribed in section fifty-four. If in their Officers to appear before examining board.

opinion such officer is competent, the fact shall be certified to the commander-in-chief, who shall issue his order, announcing the result of such examination. Medical officers shall appear before an examining board to consist of three medical officers, which board shall certify to the competency of such officer and administer the oath as prescribed for other commissioned officers. Any officer who fails to appear before the board of examiners within forty days from the date of his election or appointment, or who fails to pass a satisfactory examination before said board, shall be forthwith discharged by the commander-in-chief.

To be discharged, upon failing to appear or to pass examination.

Oaths of office.

SECTION 54. Every commissioned officer, before he enters upon the duties of his office or exercises any command, shall take and subscribe the following oaths and declarations : —

I, A. B., do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me God.

I, A. B., do solemnly swear that I will obey the lawful orders of all my superior officers.

I, A. B., do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____ according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the Commonwealth. So help me God.

I, A. B., do solemnly swear that I will support the constitution of the United States. So help me God.

Qualifying officers.

All officers shall take and subscribe such oaths before the examining board provided by section fifty-three, except the staff officers of the commander-in-chief, who may take such oaths before any competent authority. And on the back of every commission the following certificate shall be printed and signed by the person before whom such officer is qualified : —

Certificate of qualification.

This may certify that A. B., commissioned as within on this _____ day of _____, A. D. _____, personally appeared and took and subscribed the oaths required by the constitution and laws of this Commonwealth and a law of the United States, to qualify him to discharge the duties of his office.

Before me,

•

SECTION 55. Non-commissioned staff officers of brigades, regiments, separate battalions, corps of cadets and unattached companies shall be appointed by their respective permanent commanders; and such commanders of regiments, separate battalions and corps of cadets shall appoint the non-commissioned officers of companies, upon the written nomination of the respective captains; but they may withhold such appointment if, in their judgment, there be proper cause. Non-commissioned officers of the signal and ambulance corps shall be appointed by their respective brigade commanders upon the written nomination of the lieutenants commanding such signal or ambulance corps. Non-commissioned officers of unattached companies shall be appointed by their respective captains. The color sergeants, right and left general guides, four markers and one orderly shall be appointed by regimental commanders. Non-commissioned officers of the signal and ambulance corps may be reduced to the ranks by the permanent brigade commander. The permanent commander of any regiment, battalion, corps of cadets or unattached company may reduce to the ranks any company non-commissioned officer of his command. Permanent commanders of cadet corps may reduce to the ranks non-commissioned staff officers of their corps. Company non-commissioned officers may be reduced to the ranks by sentence of court-martial, as prescribed in section one hundred and thirty-eight.

Non-commissioned officers,
— appointment.

May be reduced
to the ranks.

SECTION 56. Every person enlisting in the volunteer militia shall be mustered into the service of the Commonwealth for a term of three years: *provided*, that any soldier who has received an honorable discharge from the Massachusetts volunteer militia, by reason of the expiration of his term of service, may be re-enlisted and mustered in for a term of one, two or three years, as he may elect. All terms of service, except in case of re-enlistment, shall commence at noon on the date of enlistment, if the enlisted man is mustered in within thirty days after his enlistment; otherwise, at noon on the date of muster-in. When a soldier re-enlists, and is mustered into service within thirty days from the expiration of his previous term, his continuous service shall commence at noon of the day of such expiration, and enlistments and musters shall so be dated.

Enlistment and
muster-in of
soldiers.

SECTION 57. All soldiers, except non-commissioned Privates.

staff officers, two color sergeants and right and left general guides, shall be enlisted and mustered in as privates.

Recruiting
officers.

SECTION 58. The commanding officers of brigades, regiments and separate battalions shall be the recruiting officers for their respective non-commissioned staffs, the commanding officers of corps of cadets for their respective corps, and such persons as the commander-in-chief may appoint for new companies under section twenty-four, until a captain shall have been elected or appointed to such company. Colonels of regiments shall be the recruiting officers for two color sergeants, two general guides, four markers and one orderly, for their respective commands. Captains and commanders of signal and ambulance corps shall be the recruiting officers for their commands, and in case of vacancy the commanding officer of regiments and battalions may order some officer to perform that duty until such vacancy is filled.

Form of enlist-
ment roll.

SECTION 59. Every person recruited for the Massachusetts volunteer militia shall sign an enlistment roll, in form as follows : —

I, whose signature is hereunto affixed, do hereby enlist, or re-enlist, as the case may be, in [company, battalion or regiment or corps, etc.] of the Massachusetts volunteer militia for the term set against my name, subject to all laws and regulations which may govern the same; and I do declare that I know of no impediment to my serving honestly and faithfully as a soldier for the term of my enlistment.

Oath to be
administered by
mustering
officer.

SECTION 60. As soon as practicable, and not more than thirty days after such enlistment, the soldier shall be mustered in by a competent mustering officer, before whom he shall make oath as follows : —

I, _____, do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof; and I do also solemnly swear that I will faithfully observe and obey all laws and regulations for the government of the volunteer militia of said Commonwealth and the orders of all officers elected or appointed over me. I do also solemnly swear that I will support the constitution of the United States. So help me God.

Sworn to before me, _____,

Mustering Officer.

And no enlisted man shall be held to duty in the volun-

teer militia, or receive any compensation or allowance, until he is so mustered in.

SECTION 61. The commanding officer of any regiment or separate battalion may forbid the muster-in of any person enlisted by a captain of such regiment or battalion when in his judgment the person so enlisted is unfit to be a member of the volunteer militia.

Muster-in of enlisted man may be forbidden by regimental or battalion commander.

SECTION 62. No soldier whose term of service remains unexpired in one organization shall enlist in another organization of the volunteer militia.

Not to enlist in another organization.

SECTION 63. An officer may be discharged by order of the commander-in-chief, upon either an address of both houses of the legislature; for cause, shown after a full and impartial hearing before the commander-in-chief or judge advocate general, upon the request of the permanent commander of any brigade, regiment, corps of cadets, battalion or company; the report of a court of inquiry; or the sentence of a court-martial.

Discharge of officers.

SECTION 64. An officer who fails to pass the board of examiners or fails to appear before said board, as provided in section fifty-three of this act, and any officer who may at any time be ordered before said board of examiners and who fails to pass, shall be discharged by the commander-in chief.

Upon failure to pass examination.

SECTION 65. An officer may be honorably discharged by the commander-in-chief, upon tender of resignation; upon the disbandment of the organization to which he belongs; or, if a staff officer, on the written request of the officer appointing him; or upon the qualification of his appointed successor; or when he accepts an appointment in the army or navy of the United States.

Upon resignation, disbandment, etc.

SECTION 66. An officer may be dismissed by the commander-in-chief, when it appears to him that such officer has been convicted of any crime, or has been dishonorably discharged or dismissed from the service of the United States, or from the militia of this or any other state; or to carry out the sentence of court-martial.

Dismissal for crime or sentence of court-martial.

SECTION 67. All officers discharged from the service of the state shall be entitled to receive a certificate of such discharge in such form as the commander-in-chief shall direct.

Certificate of discharge.

SECTION 68. No enlisted man shall be discharged before the expiration of his term of service, except by order of the commander-in-chief, and for the following

Discharge of enlisted men.

reasons: To accept promotion by commission; upon removal of residence from the state, or out of the bounds of the command to which he belongs to so great a distance that, in the opinion of his commanding officer, he cannot properly perform his military duty; upon disability, established by certificate of a medical officer; upon conviction of a felony in a civil court; when the commander-in-chief approves the application of two-thirds of the members of a company, requesting the discharge of a soldier thereof for being habitually troublesome, or of such character as to degrade the company; when in the opinion of the commander-in-chief the interests of the service demand such discharge; to carry out the sentence of a court-martial; upon application of his company commander approved by superior commanders.

Dishonorable discharge upon sentence of court-martial.

SECTION 69. Dishonorable discharges, or discharges in such form as to forbid re-enlistment, shall be given only in accordance with sentences of courts-martial, or whenever the commander-in-chief approves the application of two-thirds of the members of a company requesting such dishonorable discharge, and that the good of the service requires such discharge. All discharges for the good of the service shall be dishonorable, and when it is discovered that a soldier so discharged has re-enlisted he shall immediately be so dishonorably discharged.

Certificate to state reason of discharge.

SECTION 70. Every soldier discharged from the service of the Commonwealth shall be furnished with a certificate of such discharge, which shall state clearly the reason therefor.

Commissioned officers to provide themselves with uniforms, arms, etc.

SECTION 71. All commissioned officers shall provide themselves with such uniforms, arms and equipments complete, as the commander-in-chief shall from time to time prescribe; and such uniforms, arms and equipments shall be free from all suits, distresses, executions or sales for debt or payment of taxes

Every organization to be furnished by the state with arms, uniforms and equipments.

SECTION 72. Every organization of the volunteer militia shall be provided, at the expense of the Commonwealth, with such uniforms, arms, equipments, colors, musical instruments, books of instruction and of record, camp and garrison equipage, and military supplies, as may be necessary for the proper training and instruction of the force, and for a proper performance of the duty required under this chapter, except as provided in the preceding section. Such property shall be issued to the

commanders of brigades, regiments, battalions, corps of cadets, companies, signal and ambulance corps, or detachments, by the quartermaster-general, upon requisitions in such form as may be prescribed; but, in time of peace, no uniforms, arms, equipments or military supplies shall be issued to or for the use of any company, unless the said company shall have at least the minimum number of enlisted men prescribed by law.

SECTION 73. The uniform of the volunteer militia shall consist of an overcoat, a coat, a fatigue blouse or jacket, a pair of trousers, a hat complete and a fatigue cap for each enlisted man, the style of which shall be prescribed by the commander-in-chief, and uniforms hereafter provided shall be substantially alike for each arm of the service. No uniforms shall be provided by the state, except by a special appropriation for that purpose, in which case the purchase shall be made under such inspection as the commander-in-chief may direct.

Uniform of the
volunteer
militia.

SECTION 74. The uniforms, arms, equipments and other property so furnished shall remain and continue to be the property of the Commonwealth, to be used for military purposes only; and such as have not been properly expended in such use shall be returned when ordered by the quartermaster general.

Uniforms, etc.,
to remain the
property of the
state, and to
be used for
military pur-
poses only.

SECTION 75. Every officer receiving public property for military use shall, on the first days of July and December in each year, make a full return of all such property for which he is accountable in such form as may be prescribed, and shall forward the same to the quartermaster general within fifteen days of such dates.

Officers to make
annual return of
all property for
which they are
accountable.

SECTION 76. All arms, equipments and military property of every description, which shall be furnished to the several commands under the provisions hereof, shall be deposited in the armories or headquarters of said commands for safe keeping.

Military prop-
erty to be
deposited in
armories.

SECTION 77. Every officer, non-commissioned officer and soldier shall return immediately to the armory or other place of deposit each article of military property of the Commonwealth issued to and received by him for use in the military service, and the possession of any article of such property by the person to whom it was issued, elsewhere than in the armory or designated place of deposit, shall be deemed and taken to be prima facie evidence of embezzlement of such article of property by the person to whom it was issued.

Military prop-
erty issued for
use in military
service to be
immediately
returned to
armory.

Soldier not to wear uniform except upon duty.

SECTION 78. No soldier shall wear or use, except upon military duty or by special permission of his commanding officer, any uniform or other article of military property belonging to the Commonwealth.

Responsibility for care and return of military property.

SECTION 79. Every officer, non-commissioned officer and soldier, to whom a uniform or other article of military property is delivered in pursuance of the provisions hereof, shall be held personally responsible for its care, safe keeping and return; he shall use the same for military purposes only, and upon receiving a discharge, or otherwise leaving the military service, or upon the demand of his commanding officer, shall forthwith surrender and deliver up the said uniform, together with all other articles of military property that may be in his possession, to the said commanding officer, in as good order and condition as the same were at the time he received the same, reasonable use and ordinary wear thereof excepted.

Penalty for injury to property.

SECTION 80. Any soldier who wilfully or maliciously destroys, injures or defaces any article of military property belonging to the Commonwealth, or retains any property in violation of the provisions of the preceding sections, shall be punished by a fine not exceeding forty dollars, to be paid into the treasury of the Commonwealth, to be recovered on complaint of the officer responsible for such property, before any court having jurisdiction; and such delinquent shall be imprisoned in the house of correction until such fine is paid.

Commissioned officers liable to trial by court-martial for damage to property caused by their neglect.

SECTION 81. All commissioned officers of the volunteer militia shall exercise the strictest care and vigilance for the preservation of the uniforms, arms, equipments and military property furnished to their several commands under the provisions thereof; and in case of any loss thereof, or damage thereto, by reason of the neglect or default of such officers, or either of them, to exercise such care and vigilance, he or they shall be liable to trial by court-martial for neglect of duty.

Officer accountable for articles received for military use.

SECTION 82. Any officer receiving public property for military use shall be accountable for the articles so received by him; and he shall not transfer such property, or any portion thereof to another, either as a loan or permanently, without the authority of the commander-in-chief; and he shall be liable to make good to the Commonwealth all such property defaced, injured, destroyed or lost by neglect or default on his part, and for the recovery of

which he has made no reasonable effort; to be recovered in an action of tort, to be instituted by the judge advocate general, at the request of the quartermaster general, in the name of the Commonwealth.

SECTION 83. Upon the disbandment of any organization which has received uniforms, arms, equipments or equipage from the quartermaster general, in accordance with the provisions hereof, the commissioned officers of such organizations shall be responsible for the safe return to the custody of the quartermaster general of all public property in possession of said organization; and for any loss or damage thereto, compensation may be obtained from the officer receipting for such property, in the manner provided in the preceding section.

Liability of officers upon disbandment of organization.

SECTION 84. Until an officer or his legal representative receives from the adjutant general notice that the property accounts of such officer have been examined and found correct, the liability of such officer or of his estate for public property for which he is or may have been responsible shall be in no way affected by resignation, discharge, change in official position or death. Upon the death or desertion of an officer responsible for public property, his immediate commander shall at once cause the property for which such officer was responsible to be collected, and a correct inventory made by actual count and examination; which inventory shall be forwarded to the adjutant general, in order that any deficiency may be made good from the estate of the deceased or deserting officer; compensation for such deficiency may be recovered in the manner provided in section eighty-two.

Liability to continue until notice given that property accounts are correct.

SECTION 85. Any organization of the militia may, with the approval of a majority of its commissioned officers and the commander-in-chief, adopt any other uniform than that prescribed in section seventy-three, at their own expense; but such uniforms shall not be worn, except by permission of the commander-in-chief, when such organizations are on duty under his orders.

Adoption of uniform other than that prescribed in section seventy-three.

SECTION 86. Volunteer organizations may own and keep personal property which shall belong to and be under the control of the active members thereof; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property; action for such recovery to be brought in the name of such commanding officer in any

Volunteer organizations may own and control personal property.

court having jurisdiction, in any county where such organization, or part thereof, is located; and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but upon the motion of the commander succeeding him, such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

Board to inspect and condemn public military property.

SECTION 87. The inspector general and two other officers designated by the commander-in-chief shall constitute a board to inspect and condemn public military property which has or may become unfit for use; and no property shall be sold until it has been inspected and condemned as herein provided, and such condemnation approved by the commander-in-chief. The proceeds of all sales of condemned public property shall be paid into the treasury of the Commonwealth.

Military committee of legislature to visit annually arsenal, camp ground, etc.

SECTION 88. The committee of the legislature on military affairs shall annually visit the arsenal, state campground and storehouses, and make a thorough examination into the condition of the same, of the arms and munitions of war and other property of the state or general government deposited there, and shall report the condition of the arsenal and property to the legislature for that year.

Equipage may be lent to the grand army of the republic.

SECTION 89. The quartermaster general, under the direction of the commander-in-chief, may lend the military camp equipage belonging to the state to any state encampment of posts of the grand army of the republic in this state, when it can be done without interfering with the use of said equipage by the militia. But a bond, with sufficient sureties in double the value of the equipage, shall be given in every case for its return without loss or damage; and the Commonwealth shall be subject to no expense on account of any such loan.

Armories and headquarters to be provided by cities and towns.

SECTION 90. The mayor and aldermen of cities and selectmen of towns shall provide for each regiment, battalion, corps of cadets, or portion of the volunteer militia, within the limits of their respective cities or towns, a suitable armory for the purpose of drill, and for the safe keeping of the arms, equipments, uniforms and other military property furnished to such portion of the volunteer militia by the state; and shall also provide suitable grounds or places for the parade, drill and target practice of the militia belonging to their respective cities and

towns. They shall also provide for the headquarters located within their limits of each brigade, regiment, separate battalion or corps of cadets, a suitable room for the keeping of books, the transaction of business, and the instruction of officers. Necessary fuel and lights, or a reasonable allowance therefor, shall be furnished by cities and towns for each armory or headquarters located within their limits.

Fuel and lights to be furnished.

SECTION 91. Where two or more companies of the same battalion are located within the limits of a city or town, the mayor and aldermen or selectmen thereof shall, if practicable, provide such companies with a drill hall, to be used by them in common, of capacity sufficient for battalion drill, together with a smaller room in the same building, for each of said companies, suitable for company meetings, and for the safe keeping of military property, as provided in the preceding section. The headquarters of each regiment, battalion and corps of cadets shall be established with said commands, or portions thereof, as far as practicable.

Drill hall to be provided where two or more companies of a battalion are in the same place.

SECTION 92. Cities and towns in which regiments, battalions, corps of cadets or companies, or the headquarters of brigades, regiments, battalions, corps of cadets, signal and ambulance corps, or detachments of militia, are located, may raise money, by taxation or otherwise, for the purpose of erecting suitable buildings for the armories or headquarters of such organizations.

Money may be raised by taxation for building armories or headquarters.

SECTION 93. When a company is formed from different places, the location of its armory shall be determined by a majority of its members, subject to the approval of the adjutant general.

Location of armory when company is formed from different places.

SECTION 94. Armories provided for the militia shall not be used for any purpose whatever other than the legitimate uses of the commands occupying them, and no commander of any regiment, battalion, corps of cadets or company shall allow the armory or armories of his command to be let for other than a proper military purpose, unless by approval of the commander-in-chief and intermediate commanders.

Armories to be used for military purposes only, unless, etc.

SECTION 95. Every officer whose command occupies, assembles or drills in any armory, drill hall or building allowed according to law for such purpose shall have control of such premises during the period of occupation, subject to the orders of his superior commanders; and

Officers to have control of armory during period of occupation.

Penalty for molesting troops.

any person who intrudes contrary to his orders or the orders of his superior commanders, or who interrupts, molests, obstructs or insults the troops or any of them so occupying such premises, may be dealt with as prescribed in sections one hundred and eighteen and one hundred and nineteen for like offences, at the discretion of the officer in charge of the troops or his superior commanders: *provided*, that nothing in this section shall be construed to prevent reasonable inspection of the premises by the mayor and aldermen or selectmen of a city or town, or by the owners of the premises, according to the terms which may have been specified therefor in a lease.

Proviso.

Amount paid or charged for rent to be certified under oath to the adjutant general.

SECTION 96. The mayor and aldermen of cities and selectmen of towns shall annually, on the first day of October, transmit to the adjutant general a return, verified by oath or affirmation of at least two of their board, showing the name of each militia organization or headquarters furnished with an armory, the amount paid or charged for the rent thereof, and that the amount charged is fair and reasonable according to the value of real estate in their place. Returns not received by December first will not be allowed.

Return to be made on or before the first day of December.

Claims for rent to be audited by the adjutant general.

SECTION 97. The adjutant general shall annually examine all certificates so returned to his office, institute any inquiries he deems expedient relative thereto, and, under the direction of the commander-in-chief, allow them, in whole or in part, to an amount not exceeding six hundred dollars for a company of artillery or cavalry, four hundred dollars for a company of infantry, and pro rata for signal and ambulance corps, and not exceeding two hundred dollars for each brigade, regimental or separate battalion headquarters. The amount to be allowed to a corps of cadets shall be determined by the commander-in-chief, not exceeding the allowance which would be made in the aggregate to a battalion of four companies and the headquarters thereof. The adjutant general shall, after such examination, and not later than the fifteenth day of December, of each year, file in the office of the auditor his certificate stating the sums allowed, the name of the command for whose use each sum is allowed, and the place to which it belongs; and shall thereupon notify the mayor, aldermen or selectmen of the sum allowed to their place; which sum shall be paid, upon the warrant of the governor, to such mayor and aldermen or selectmen.

SECTION 98. When an invasion of, or insurrection in, the state is made or threatened, the commander-in-chief shall call upon the volunteer militia to repel or suppress the same. If such invasion or insurrection, or imminent danger thereof, in any part of the state, is so sudden that the commander-in-chief cannot be informed and his orders received and executed in season to resist or suppress the same, a brigade commander in such part of the state may order out his brigade, or any part thereof, as the commander-in-chief might do.

Volunteer militia to be called upon in case of invasion or insurrection.

SECTION 99. When there is in any city or town a tumult, riot, mob or a body of men acting together by force, with attempt to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the Commonwealth; or when such tumult, riot or mob is threatened, and the fact is made to appear to the commander-in-chief, the sheriff of the county, the mayor of the city or the selectmen of the town, the commander-in-chief may issue his order, or such sheriff, mayor or selectmen may issue a precept, directed to any commander of a brigade, regiment, battalion, corps of cadets or company, within the limits of their jurisdiction, directing him to order his command, or a part thereof, to appear at a time and place therein specified, to aid the civil authority in suppressing such violence and supporting the laws; which precept shall be in substance as follows: —

Troops may be ordered out in case of riot or tumult.

— ss.

COMMONWEALTH OF MASSACHUSETTS.

Form of precept.

L. S.

To [insert the officer's title] *A. B.*, commanding [insert his command].

Whereas, it has been made to appear to [the sheriff, mayor or the selectmen, as the case may be] of the [county, city or town] of _____, that [here state one or more of the causes above mentioned] in our _____ of _____, and that military force is necessary to aid the civil authority in suppressing the same: Now, therefore, we command you that you cause [your command, or such part thereof as may be desired], armed and equipped with ammunition and with proper officers, to parade at _____, on _____, then and there to obey such orders as may be given according to law. Hereof fail not at your peril, and have you there this precept with your doings returned thereon.

This precept shall be signed and properly attested as

the act of such sheriff, mayor or selectmen, and shall be under seal, and may be varied to suit the circumstances of the case; and a copy of the same shall be immediately forwarded to the commander-in-chief.

Officers forthwith to order troops to parade at time and place appointed.

SECTION 100. The officer to whom the order of the commander-in-chief or brigade commander, or such precept, is directed shall forthwith order the troops therein called for to parade at the time and place appointed, and shall immediately notify the commander-in-chief of such order, directly, in the most expeditious manner and by letter, through the usual military channels.

Penalty on officer for neglect.

SECTION 101. If an officer, ordered as in the preceding section, refuses or neglects to obey such order or precept, or if any officer or soldier neglects or refuses to obey an order issued in pursuance thereof, he shall be punished as a court martial may adjudge.

Troops to appear armed and equipped and with ball ammunition.

SECTION 102. Such troops shall appear at the time and place appointed, armed, equipped and with ball ammunition, and shall obey and execute such orders as they may then and there receive, according to law.

Officer may be detailed to command if company is without officers.

SECTION 103. If a company without officers is ordered to march, or if a detachment is ordered therefrom, the commander of the regiment or battalion shall detail an officer to command, who shall have the same authority to order them to appear, to command them in the field or to make a draft or detachment therefrom, as the captain of such company would have, and shall be under the same responsibility.

Carriages to be provided to attend with supplies.

SECTION 104. The mayor and aldermen of a city and the selectmen of a town to which men so ordered out, detached or drafted belong, when required in writing by a commander of a regiment or detachment, shall provide carriages to attend them with further supplies of provisions and to carry necessary baggage, and provide necessary camp equipage and utensils, until notified by the commanding officer to desist; and shall present their accounts for the same to the quartermaster general. For any neglect by such mayor and aldermen or selectmen, under this section, such city or town shall forfeit to the use of the Commonwealth not less than twenty nor more than five hundred dollars.

When entire volunteer force has been called,

SECTION 105. When the entire volunteer militia has been called out under sections ninety-eight and ninety-

nine, and a still further force is required, it shall be taken from the enrolled militia, as provided in section nine.

enrolled militia to be taken.

SECTION 106. Each regiment, separate battalion, corps of cadets and unattached company of the volunteer militia shall parade for drill one day in each year, at such time and place as the commander-in-chief may designate. The inspector general, his assistants or such other officers as the commander-in-chief shall indicate, shall attend such drills and report upon the proficiency of the troops; such report to be made to the commander-in-chief, in writing, within thirty days from the date of such drill.

Annual parade for drill and inspection.

SECTION 107. The volunteer militia shall perform five consecutive days of camp duty in each year; and unless the commander-in-chief prescribes the time, place and manner of assembling the troops for that purpose, each commander of brigade or corps of cadets shall annually order an encampment of his command, by brigade, regiments or battalions, at some time during the months of June, July, August, September or October

Encampment for five days.

SECTION 108. All encampments shall be held upon the state camp ground, unless otherwise directed by the commander-in-chief; and no ground shall be occupied for an encampment in the time of peace without the consent of the selectmen of the town or mayor and aldermen of the city where the encampment is to be made, unless by order of the commander-in-chief; such ground to be paid for by the state on contracts to be approved by the adjutant general.

Encampments to be held at state camp ground unless otherwise directed by commander-in-chief.

SECTION 109. At each encampment the troops shall be thoroughly exercised in the routine of camp duty. The inspector general and such assistants as may be detailed shall be present at these encampments, and the inspector general shall report in regard to numbers, discipline and other matters affecting the character or efficiency of the organizations; such reports to be forwarded to the commander-in-chief within thirty days from date of encampment.

Troops to be thoroughly exercised.

Inspector general to report.

SECTION 110. The judge advocate general or a judge advocate may be detailed by the commander-in-chief to attend any encampment, and shall have during the encampment, within the limits of the camp and for a distance of one mile from the guard line, the jurisdiction of a municipal court over all offences then and there committed.

Judge advocate may be detailed to attend, and to have jurisdiction of a municipal court.

Notice for appearance for duty.

SECTION 111. For the duty required at drills, under section one hundred and six, and at camp, under section one hundred and seven, no notice shall be considered a legal unless the same shall have been given to each person verbally, or by delivery to him in person, or leaving at his usual place of business or abode the order for such duty, at least four days previous to the time appointed.

Orders may be delivered by enlisted men.

SECTION 112. Commanders of regiments, battalions, corps of cadets or companies may direct such orders to be delivered by one or more of the enlisted men of their command.

Meetings of officers for instruction in tactics and the customs of the service.

SECTION 113. The commander-in-chief may authorize brigade commanders to call meetings of their staff officers, the field officers, adjutants and captains of unattached companies of their commands, at some convenient place within the limits of their brigades, six times in each year, for instruction in tactics and the customs of the service. Commanders of regiments, battalions and corps of cadets may in like manner call similar meetings of the officers of their respective commands six times each year; but nothing in this chapter shall be construed as allowing any compensation for attendance at such meetings. When such meetings are authorized the quartermaster general shall provide for all officers attending such meetings the necessary transportation, at rates established by law, when the distance travelled exceeds five miles.

Escort duty.

SECTION 114. The commander-in-chief may order out any portion of the militia for escort and other duties, and may authorize the use of mounted bands

Companies or officers may be assembled for evening drill or instruction.

SECTION 115. The commander of any regiment, battalion or corps of cadets, whose companies are located within a radius of three miles, may at any time assemble the companies, or the officers of his command, for evening drill, instruction or other business; and commanders of brigades, regiments, battalions and corps of cadets may order company inspections in the evening at the several company armories, whenever the good of the service may demand.

Company and battalion drills.

SECTION 116. Every company shall drill at least twice in each month. Battalion drills may count in the place of company drills. Nothing in this section shall prevent commanding officers ordering drills more frequently.

No voluntary parade without permission.

SECTION 117. No parade or voluntary service shall be performed by any company, under arms or with state

uniform, without the approval of the regimental or separate battalion commander, or, if unattached, of its next superior.

SECTION 118. Every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade or encampment, not including a road so as to prevent passing, within which no spectator shall enter without leave from such commanding officer. Whoever intrudes within the limits of the parade or encampment, after being forbidden, may be confined under guard during the time of parade or encampment, or a shorter time, at the discretion of the commanding officer; and whoever resists a sentry who attempts to put him or keep him out of such limits may be arrested by order of the commanding officer, and carried before the judge advocate general or a judge advocate on duty at the encampment, as provided in section one hundred and ten, or other court of justice having jurisdiction of the place, to be examined or tried upon complaint of the commanding officer for such assault or disturbance or breach of the peace.

Bounds of parade may be fixed by commanding officer.

Punishment for intrusion.

SECTION 119. If any person interrupts or molests or insults, by abusive words or behavior, or obstructs any officer or soldier while on duty or at any parade, drill or meeting for military improvement, he may be put immediately under guard, and kept, at the discretion of the commanding officer of the brigade, regiment, battalion, corps, company or detachment, as the case may be, until the duty, drill, parade or meeting is concluded; and such commanding officer may turn over such person to any police officer or constable of the city or town wherein such duty, parade, drill or meeting is held; and said police officer or constable shall detain him in custody for examination or trial before a court of justice or trial justice having jurisdiction of the place; and any person found guilty of either of the offences enumerated in this section or in sections ninety-five, one hundred and eighteen, and one hundred and twenty, shall be punished by imprisonment in the jail or house of correction not exceeding six months, or by fine not exceeding one hundred dollars.

Penalty for molesting troops while on duty.

SECTION 120. United States forces or troops, or any portion of the militia parading or performing any duty according to law, shall have the right of way in any street or highway through which they may pass, provided

Troops to have right of way in streets and highways.

the carriage of the United States mails, the legitimate functions of the police and the progress and operations of fire engines and fire departments shall not be interfered with thereby.

Soldier may be put under guard for a military offence.

SECTION 121. Any soldier guilty of a military offence may be put and kept under guard by the commander of the company, corps, battalion or regiment, or of the field, for a time not extending beyond the term of service for which he is then ordered.

Personal service necessary to be compensated.

SECTION 122. No officer or soldier in the volunteer militia shall receive the compensation provided in this chapter, unless he personally performs the duties required by law; and no substitute shall be allowed compensation for service belonging to another to perform; nor shall excuses granted for absence from or non-performance of military duty entitle the person excused to receive such compensation.

Parades not to be held on election day except in case of riot, etc.

SECTION 123. No officer or soldier shall be holden to perform military duty except in case of invasion, insurrection, riot or tumult, made or threatened, or in obedience to the commander-in-chief, on a day appointed, in the city or town in which he resides, for the election of governor, lieutenant governor, electors of president and vice president of the United States, or representatives to congress or to the general court; and an officer parading his command, or ordering it to parade, contrary to the provisions of this section, shall be liable to trial by court-martial.

Certain associations other than the militia may parade in public with arms.

SECTION 124. No body of men whatsoever, other than the regularly organized corps of the militia, the troops of the United States, the ancient and honorable artillery company, the veteran artillery association of Newburyport, the veteran cadet association of Salem, the veteran association of the independent corps of cadets of Boston, the Salem light infantry veteran association, the veteran artillery association of Amesbury and Salisbury and the Boston light infantry association, shall associate themselves together at any time as a military company or organization for drill, or parade in public with arms in any city or town of this Commonwealth, without the license of the governor thereof, and all applications for such license must be approved by the mayor and aldermen of cities and selectmen of towns in which such organizations or associations may be located, which may at any

time be revoked; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming or in any way supporting, sustaining or providing drill rooms or armories for any such body of men; *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States may parade in public with arms, upon the reception of any regiments or companies of soldiers returning from said service, and for the purpose of escort duty at the burial of deceased soldiers, having first obtained the written permission so to do of the mayor and aldermen of the cities or selectmen of the towns in which they desire to parade; and *provided, further*, that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with arms in public, under the superintendence of their teachers, and *provided, further*, that this section shall not be construed to prevent any organization heretofore authorized thereto by law from parading with side arms.

Associations
composed of
soldiers.

Students in
educational
institutions.

SECTION 125. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine not exceeding ten dollars, or by imprisonment in the house of correction or common jail for a term not exceeding six months, or both.

Penalty for
parading con-
trary to law.

SECTION 126. No officer or soldier of the volunteer militia not on leave of absence or furlough shall be excused from duty in time of insurrection, invasion or disturbance of the peace, as provided in sections ninety-eight and ninety-nine, except upon physician's certificate of disability. If such officer or soldier fails to furnish his commanding officer such certificate, he shall be tried by court-martial for desertion, or absence without leave, as the case may be; and no such excuse shall avail such officer or soldier, unless the delinquent satisfies the tribunal before which he is tried that it was not in his power to make such excuse within the time. For absence from camp duty, annual drill and from drills, excuses may be presented to commanding officers of regiments, battalions or corps of cadets, and by them allowed upon good and sufficient grounds, or according to the rules adopted therefor, as prescribed in by-laws adopted under section one hundred and forty-seven; and

Excuse from
duty on physi-
cian's certificate
of disability.

Excuse for
absence from
camp duty,
drills and
inspections.

delinquents who do not submit to fines shall be tried as herein prescribed. Certificates of disability and excuses of soldiers of unattached companies shall in like manner be presented to their brigade commanders, and may be by them allowed.

Compensation
of officers and
soldiers.

SECTION 127. There shall be allowed and paid to officers and soldiers of the volunteer militia, on rolls and accounts, in such form as the commander-in-chief may prescribe, as follows, to wit: For the duty prescribed in sections ninety-eight, ninety-nine, one hundred and six, one hundred and seven and one hundred and fourteen, commissioned officers shall be allowed and paid the same pay per diem as is prescribed for officers of like grade in the United States army, viz.: Brigadier general, fifteen dollars and twenty-eight cents; colonel, nine dollars and seventy-three cents; lieutenant colonel, eight dollars and thirty-three cents; major, six dollars and ninety-five cents; captain, mounted, five dollars and fifty-five cents; captain, not mounted, five dollars; adjutant, quartermaster, assistant surgeon, paymaster and inspector of rifle practice, five dollars; first lieutenant, mounted, four dollars and seventy-five cents; first lieutenant, not mounted, four dollars and seventeen cents; second lieutenant, mounted, four dollars and seventeen cents; second lieutenant, not mounted, three dollars and eighty-nine cents; chaplain, four dollars and seventeen cents; non-commissioned staff officers, two dollars and fifty cents; every member of a band, four dollars; and every other enlisted man, two dollars. And there shall be allowed for each horse actually employed by officers and soldiers authorized by law to be mounted and for each draft horse employed in the artillery, the sum of four dollars per day, which shall be in full for all keeping and forage. For all other duty under orders of the commander-in-chief, unless otherwise specially provided, or as a witness or defendant under summons, as provided in section one hundred and forty-one, there shall be allowed, and paid to each general, field and staff officer, the sum of four dollars; to every other commissioned officer, the sum of two dollars and fifty cents; to every member of a band, the sum of four dollars; and to every other enlisted man, the sum of two dollars per day. To each assistant adjutant general of brigade there shall be allowed and paid the sum of twenty dollars per annum; to each adjutant, the sum of

fifty dollars per annum ; and to each paymaster, the sum of twelve dollars and fifty cents per annum, for each company in the command to which he is attached.

SECTION 128. There shall be allowed and paid to each officer and soldier obliged to travel on duty, as follows, to wit: When upon duty required or performed under sections ninety-eight, ninety-nine, one hundred and six, one hundred and seven and one hundred and fourteen, two cents per mile each way, the distance to be computed by the line of most direct railroad communication from the place in which the headquarters of the various commands and the armories of the companies are situated. When upon duty as a member or judge advocate of any military court or board, or as a witness or defendant before such court or board ; when appearing before the board of examiners provided in section fifty-three ; when attending meetings of officers as provided in section one hundred and thirteen ; when acting as the presiding officer at an election, as an elector at the election of a general or field officer, or as a paymaster ; or in any case when obliged by orders of the commander-in-chief to travel without troops, — four cents per mile each way, the distance to be computed by the line of most direct railroad communication from the residence of the officer or soldier. Colonels and battalion commanders may visit the companies in their commands six times each year ; lieutenant colonels and majors, such companies as they are ordered to visit by regimental or battalion commanders, six times each year ; inspectors of rifle practice may visit the companies in their respective organizations six times each year, — for which mileage as provided herein shall be allowed on receipt of proper returns therefor. Each company may visit the state camp-ground or any approved range within reasonable distance twice each year, under orders of the commander-in-chief, for the purpose of target practice, and there shall be allowed a sum not to exceed two cents per mile for actual distance travelled, to be paid on pay-roll as provided for camp duty. There shall be allowed and paid for the care of and responsibility for military property of the Commonwealth in their charge, to each cadet corps commander and each company commander in the volunteer militia, the sum of fifty dollars, to each signal corps commander the sum of twenty-five dollars, and to each ambulance corps com-

Allowance for travel.

Allowance for care and responsibility for military property.

mander the sum of fifteen dollars per annum ; from which the adjutant general may deduct the cost of all articles lost by neglect or losses unsatisfactorily explained before certification to the auditor for payment.

Certain officers and soldiers entitled to be mounted.

SECTION 129. The following officers and soldiers, and none other, are entitled to be mounted: Every general, field and staff officer, every officer of cavalry, artillery, signal and ambulance corps, every brigade, cavalry and artillery non-commissioned staff officer, every enlisted man of cavalry, and the sergeants, the guidon corporal and buglers of light artillery; one horse only shall be allowed to each of the above mentioned officers and soldiers; and there shall be allowed thirty-two draft horses to each battery of light artillery of four guns; to each battery of light artillery of more than four guns there shall be allowed for each additional gun eight draft horses. No horses shall be allowed for members of bands except by special orders of the commander-in-chief.

Transportation of horses.

SECTION 130. Mounted officers and enlisted men, when ordered by the commander-in-chief to transport their horses, shall be allowed the actual cost of such transportation from the nearest point of departure from the place where the several headquarters or the armories of the companies to which they belong are situated.

No allowance for transportation not actually employed.

SECTION 131. No allowance shall at any time be made for transportation not actually employed, nor to officers or enlisted men when transported by means of horses provided by the state.

Forage and subsistence.

SECTION 132. Forage and subsistence shall be furnished in kind by the quartermaster and commissary general when troops are on duty, under sections ninety-eight and ninety-nine, and when practicable, transportation in kind shall be furnished by the quartermaster general in lieu of the money allowances hereinbefore provided.

Postage, stationery and office incidentals.

SECTION 133. There shall be allowed annually for postage, stationery and office incidentals, to each brigade headquarters, ten dollars for each regiment, battalion, unattached company, signal and ambulance corps in such brigade; to each regimental and separate battalion headquarters, ten dollars for each company in such regiment or battalion; to each corps of cadets, twenty-five dollars; and to each company, signal and ambulance corps, ten dollars.

SECTION 134. There shall be allowed and paid to each person, not in the military service of the Commonwealth, appearing before courts of inquiry or courts-martial under summons of the president or judge advocate thereof, one dollar and fifty cents for each day's attendance and four cents for each mile necessarily travelled in obedience to such summons.

Attendance and travel at courts-martial.

SECTION 135. Courts of inquiry may be instituted by the commander-in-chief for the purpose of investigating the conduct of any officer, either by his own solicitation or on a complaint or charge of improper conduct degrading to the character of an officer; but no such court shall consist of more than three officers, who may, with the approval of the commander-in-chief, require a judge advocate to attend such court in taking testimony and investigating any complaint that may come before it.

Courts of inquiry for investigating conduct of officers.

SECTION 136. Such court of inquiry shall, without delay, report to the commander-in-chief a statement of facts and, when required, the evidence adduced and opinion thereon; and the commander-in-chief may, in his discretion, thereupon order a court-martial for the trial of the officer whose conduct has been inquired into, or may discharge such officer, as provided in section sixty-three.

Evidence to be reported to the commander in-chief.

SECTION 137. General courts-martial for the trial of commissioned officers shall be ordered by the commander-in-chief at such times as the interests of the service may require, and shall consist of not less than three nor more than seven officers, none of whom shall be of less rank than the accused.

General courts-martial for trial of commissioned officers.

SECTION 138. For the trial of non-commissioned officers, musicians and privates the commanding officer of each brigade shall, at such times as may be necessary, appoint a battalion or regimental court-martial for any regiment, battalion or unattached company in his brigade; in like manner the commander-in-chief shall make orders for the corps of cadets. Such court shall consist of one officer of the line whose rank is not below that of major. Such court, unless otherwise directed by the commander-in-chief, shall be held at the armory of the company, or, in case of a non-commissioned staff officer, at the headquarters of the battalion, corps of cadets, regiment or brigade to which the accused belongs, and, subject to the approval of the officer ordering the court, may sentence to be reprimanded in company, corps, battalion or regi-

Trial of non-commissioned officers.

mental orders, or, in case of a company non-commissioned officer, to be reduced to the ranks; and such court may, with the approval of the commander-in-chief, sentence to be reprimanded in brigade orders or in orders from general headquarters, to be dishonorably discharged, or to be discharged and disqualified from holding office in the militia of the Commonwealth.

Proceedings to conform to the regulations prescribed for government of the militia.

SECTION 139. In all general, regimental or battalion courts-martial the arraignment of the accused, the proceedings, trial and record shall in all respects conform to the regulations established for the government of the militia of the Commonwealth; and the sentences of such courts shall be in accordance with the nature and degree of the offence, and according to established military usage, but shall not extend further, in time of peace, than dismissing or discharging the officer or soldier and disqualifying him from holding any office in the militia of this Commonwealth.

Proceedings and sentence to be forwarded to officer competent to review the same.

SECTION 140. The proceedings and sentence of every court-martial shall, without delay, be forwarded to the officer competent to review the same, who shall approve or disapprove of such proceedings and sentence within fifteen days thereafter; but nothing in this section shall be construed to limit the power of the reviewing officer to mitigate or commute the sentence of such court. A roll of the officers of the court and of the accused or charged persons and witnesses appearing before it, with the residence and number of days' attendance of each, shall constitute a part of the record of every court of inquiry or court-martial.

President and judge advocate may summon witnesses and administer oaths.

SECTION 141. The president of every court-martial or court of inquiry, and also the judge advocate, may administer the usual oath to witnesses, and may issue summonses for the accused and all witnesses whose attendance at such court may in his opinion be necessary in behalf of the Commonwealth, and also on application, for all witnesses in behalf of the accused or charged officer or soldier; and he may direct the commanding officer of any company to cause such summonses to be served on any person who may be a member of his company, or may direct the commanding officer of any brigade, regiment, separate battalion or corps of cadets to serve such summonses on any person who may be a commissioned or non-commissioned officer of his staff.

SECTION 142. Any officer or soldier failing to serve such summons, and any witness failing to appear when so summoned, and not having a sufficient or reasonable excuse, shall be liable to trial by court-martial as for disobedience of orders, or may be compelled to appear as provided by chapter one hundred and ninety-five of the acts of the year eighteen hundred and eighty-three.

Penalty for failing to serve summons, or on witness not appearing.

SECTION 143. Every commissioned officer may be tried by court-martial for the following offences : For unmilitary or unofficerlike conduct ; for drunkenness on duty ; for neglect of duty ; for disobedience of orders, or an act contrary to the provisions of this chapter, or to the provisions of the regulations for the government of the militia ; for oppression or injury of any under his command ; for a combination or attempt to break, resist or evade the laws or lawful orders given to a person, or advising any person so to do ; for insult to a superior officer in the line of military duty ; for presuming to exercise his command while under arrest or suspension ; for neglect or refusal, when commanding officer, to order out the troops under his command when required by law or ordered by his superior officer ; for neglect or refusal to make a draft or detachment when legally ordered to do so ; for parading the troops under his command on days of election contrary to law ; for receiving any fee or gratuity, as a medical officer, for a certificate of inability to do military duty ; for neglect, when detailed to train and discipline a company, to make complaint for neglect or violation of duty as provided by law, or for any other neglect for which a commanding officer of the company would be liable ; for neglect or refusal to march or to make a draft, or for disobedience to an order in case of rebellion or insurrection, as provided by law ; for refusal or neglect to obey a precept or order to call out the militia, or an order issued in obedience thereto, or for advising any officer or soldier to do the like ; for making a false certificate, account or muster ; or for conduct unbecoming an officer and gentleman, or to the prejudice of good order and military discipline.

Offences for which commissioned officer may be tried by court-martial.

SECTION 144. Any enlisted man may be tried by court-martial : For disobedience of orders or an act contrary to the provisions of this chapter, or the provisions of the regulations for the government of the militia, or to the by-laws of the organization to which he belongs ; for disrespect to his superiors ; for mutiny or desertion ; for

Enlisted man may be tried by court-martial.

neglect of duty, or for drunkenness on duty. A soldier absenting himself for the space of three months from all meetings, drills and parades of his company, without leave or proper excuse, shall be considered a deserter.

Not to be tried for offence committed more than two years before issuance of order for trial.

SECTION 145. No officer or soldier shall be tried by court-martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself from the state or some other impediment, shall not have been amenable to justice within that period.

When in service for suppression of riot, etc., to be governed by the articles of war.

SECTION 146. When any portion of the military forces of the Commonwealth is ordered by the commander-in-chief to assemble for the purpose of suppressing any riot, insurrection, invasion, or in time of public danger, the rules and articles of war and general regulations for the government of the army of the United States, so far as they are applicable, and with such modifications as the commander-in-chief may prescribe, shall be considered in force, and regarded as part thereof, during the continuance of such service; but no punishment under such rules and articles which extends to the taking of life shall in any case be inflicted, except in time of actual war, invasion or insurrection, declared by proclamation of the governor to exist, and then only after the approval of the commander-in-chief of the sentence inflicting such punishment.

Constitutional articles of agreement may be adopted, subject to the approval of the commander-in-chief.

SECTION 147. Companies, corps of cadets, separate battalions or regiments, may adopt constitutional articles of agreement or by-laws, subject to the approval of the commander-in-chief, for the government of matters relating to the interior economy of their respective organizations, the regulation of fines for non-performance of duty and the determination of causes upon which excuses from fines may be based; *provided*, that such articles or rules shall not be repugnant to law or the regulations for the government of the militia; and *provided*, that the articles or rules adopted by any company attached to a regiment or battalion shall not be repugnant to the articles or rules adopted for the general government of such regiment or battalion. Certified copies of such articles or rules, with like copies of all alterations as finally approved by the commander-in-chief, shall be deposited in the office of the adjutant general.

SECTION 148. When regiments, battalions, corps of cadets or companies, establish in their constitutional articles of agreement or by-laws the amounts which may be collected as fines from officers and soldiers of the volunteer militia for the non-performance of duty, such fines shall not exceed the amounts named as follows: For each day's absence from camp or annual drill, five dollars; for each day's absence from special duty, when ordered by the commander-in-chief, or from any parade ordered by the commanding officer of a regiment, battalion, corps of cadets, unattached company, signal or ambulance corps, three dollars; for each absence from company or battalion drill, or meeting of officers or non-commissioned officers ordered for the purpose of instruction, inspection, or from an election, one dollar. Money charged to an officer or soldier of the volunteer militia, under the provisions of this chapter and the by-laws provided for the organization of which he is or may have been a member, shall constitute a simple contract debt against him, and may be recovered upon suit brought in the name of the officer commanding such organization at the time of bringing the action, and prosecuted in accordance with the law of this Commonwealth for the recovery of such debts in any court of competent jurisdiction. Want of consideration, or the fact that the defendant is or was a member of the same organization as the plaintiff, shall not be defences in such suit and the prevailing party shall have his costs without regard to the amount recovered. This remedy shall be in addition to those named in section one hundred and thirty-eight.

Fines established under articles of agreement or by-laws.

Money charged to an officer or soldier to constitute a simple contract debt against him.

SECTION 149. The commander-in-chief may make and publish regulations for the government of the militia in accordance with existing laws.

Regulations.

SECTION 150. The system of discipline and field exercise ordered to be observed by the army of the United States, or such other system as may hereafter be directed for the militia by the laws of the United States, shall be observed by the militia.

United States system of discipline to be observed.

SECTION 151. No officer or soldier shall be liable to jury duty while in the active militia service; and any officer or soldier who has served continuously and faithfully for nine years in the volunteer militia shall be exempt for life thereafter from the performance of jury duty.

Exemption from jury duty.

Not to be arrested on civil process while on duty.

SECTION 152. No officer or soldier shall be arrested on civil process while going to, remaining at or returning from a place where he is ordered to attend for election of officers or military duty.

Relief for injuries received in service.

SECTION 153. If an officer or soldier is wounded or otherwise disabled, or is killed or dies of wounds received while doing military duty according to law, in case of invasion, insurrection or disturbance of the peace, he, his widow or children, shall receive from the general court just and reasonable relief.

Military accounts to be transmitted to the adjutant general on or before the fifteenth day of December.

SECTION 154. All military accounts, unless it is otherwise specially provided by law, shall annually, on or before the fifteenth day of December, be transmitted to the adjutant general, and examined, and, if found correct, certified by him. They shall then, unless it is otherwise specially provided by law, be presented to the state auditor for allowance, and, upon such allowance certified by him to the governor, shall be paid to the persons to whom they are personally due, or to their order, at the treasury of the Commonwealth; and no military account shall be certified by the adjutant general, or allowed by the auditor, unless presented to the adjutant general for allowance within the time prescribed in this section.

Paymasters to take vouchers in duplicate and file account with the treasurer.

SECTION 155. Paymasters shall take proper vouchers in duplicate for the payment of all moneys, and immediately after the payment of troops shall file with the treasurer of the Commonwealth an account of their payments with the duplicates of their vouchers; and such accounts shall be audited by the state auditor, and the several paymasters held to account for any and all discrepancies which may be found to exist.

To give bond.

SECTION 156. Each paymaster shall give bond in the penal sum of ten thousand dollars, with two sureties at least, to be approved by the governor and council, and conditioned faithfully to discharge the duties of his office.

Any officer to whom military property is issued may be required to give bond.

SECTION 157. Any officer to whom any public military property is at any time issued may be required to give bond, with two sureties, satisfactory to the governor and council, conditioned faithfully to discharge the duties of his office; to use all necessary care in the safe keeping of military stores and property committed to his custody; to account for the same, and deliver over to his successor, or to any other person authorized to receive the same, all such military property.

SECTION 158. Rolls of the volunteer militia, showing the names of all general, field, staff and non-commissioned staff officers, and the names of all company officers and enlisted men in the service, shall be made on the first of June in each year, and shall be forwarded to the adjutant general within twenty days thereafter; those for companies shall be prepared by the respective company commanders, and all others by direction of the commanding officers of the several organizations. A sworn copy of such rolls shall be furnished by the commanding officers of companies and such other organizations to the mayor and aldermen of the city or selectmen of the town in which such companies or organizations are located, for the purposes set forth in section one hundred and fifty-one. The clerk of the ancient and honorable artillery company shall furnish annually, as provided herein, to the mayor and aldermen of the city of Boston, sworn rolls of all active members belonging to the company.

Rolls of officers and men to be made on the first day of June and forwarded to the adjutant general within twenty days.

SECTION 159. General and field officers, paymasters, the judge advocate general and all judge advocates may administer the oaths required in this chapter, except as provided in section fifty-three, and also such oaths as may be required by the regulations for the government of the militia.

Administration of oaths by officers.

SECTION 160. Mustering officers of corps of cadets, holding the rank of captain on the sixteenth day of May in the year eighteen hundred and seventy-eight, shall not by virtue hereof be reduced in rank.

Mustering officers of cadets.

SECTION 161. Nothing contained in this act shall be construed as affecting the right of the ancient and honorable artillery company to maintain its organization as a military company according to ancient usage, and agreeably to the provisions of its constitutions and by-laws, provided the same are not repugnant to the laws of this Commonwealth, or do not restrain the lawful parades or exercise of the active militia.

Rights of the ancient and honorable artillery not affected.

SECTION 162. In this chapter the word "soldier" shall include musicians and all persons in the volunteer or enrolled militia except commissioned officers; and the word "company" shall include battery, signal and ambulance corps.

Construction of the words "soldier" and "company."

SECTION 163. Civil officers named in this chapter, who neglect or refuse to obey its provisions, shall, except as otherwise specially provided, forfeit not less than

Penalty on civil officers for neglect.

twenty nor more than five hundred dollars for each offence.

Officers to turn over property and records to immediate successor.

SECTION 164. An officer of the volunteer militia shall, on vacating an office, turn over to his immediate successor, or other officer designated by the commander-in-chief, all records, reports and military property in his possession belonging or pertaining in any way to such office.

Troops not to leave the state without consent of commander-in-chief.

SECTION 165. No organization of the militia shall be liable to be ordered without the limits of the state, and no military organization shall leave the state, for any period or purpose whatever, with public military property in its possession, or to be used by it, without the consent of the commander-in-chief. Any organization disobeying the provisions of this section shall forthwith be disbanded by the commander-in-chief, and its officers and members be liable to trial by court-martial for disobedience of orders.

Militia when in service to receive same pay as United States regular troops.

SECTION 166. The militia, when in the service of the United States, if paid by the Commonwealth, shall receive the same pay and allowances as the regular troops of the United States; and the rations, when commuted, shall be valued at the rate fixed by the regulations of the United States army in force at the time. When the militia are discharged from such service they shall be allowed pay and rations to their respective homes.

Repeal.

SECTION 167. Chapter fourteen of the Public Statutes, and all other acts or parts of acts inconsistent with this act are hereby repealed. *Approved June 14, 1887.*

Chap. 412 AN ACT TO INCORPORATE THE TOWN OF NORTH ATTLEBOROUGH.
Be it enacted, etc., as follows:

Town of North Attleborough incorporated.

SECTION 1 All that part of the town of Attleborough comprised within the following limits: that is to say, beginning at a stone monument situated in the boundary line between the town of Attleborough, and the town of Cumberland in the state of Rhode Island, and on the northerly side of the road leading westerly from the Polly Chace place, so called; thence running easterly in a straight line to a point on the east side of the road one hundred feet southerly of the house of Howard E. Rhodes; thence deflecting to the north and following a straight line passing midway between Leprilete P. Fisher's house and the house of the late Tisdole E. Fisher; thence in

the same course to a monument in the boundary line between the towns of Attleborough and Mansfield five thousand four hundred and fifty feet northerly of a monument at the corner of the towns of Mansfield and Norton; thence northwesterly on the boundary line as it now exists between the towns of Attleborough and Mansfield till it comes to a corner marking the boundary of the towns of Attleborough, Mansfield and Wrentham; thence southwesterly by the boundary line as it now exists between the towns of Attleborough and Wrentham to a corner marking the boundary of the said towns of Attleborough and Wrentham, and the town of Cumberland in the state of Rhode Island; thence about southerly along the boundary line between the said towns of Attleborough and Cumberland to the point of beginning, is hereby set off from Attleborough and incorporated as a town under the name of North Attleborough; and said town of North Attleborough is hereby invested with all the powers, privileges, rights and immunities and is made subject to all the duties, liabilities and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

SECTION 2. The inhabitants and estates within the territory hereby set off and the owners of said estates shall be holden to pay all taxes assessed and in arrears to the same persons, and such taxes may be collected in the same manner as if this act had not been passed; and until the next state valuation the town of North Attleborough, annually, in the month of November shall pay to the town of Attleborough the proportion of any state or county tax which the said town of Attleborough may be required to pay upon the inhabitants or estates hereby set off, said proportion to be ascertained by the last valuation next preceding the passage of this act; and the assessors of Attleborough shall make returns of said valuation, and the proportion thereof in the towns of Attleborough and North Attleborough, respectively, to the secretary of the Commonwealth and to the county commissioners of the county of Bristol.

Payment of
taxes assessed
and in arrears.

SECTION 3. The towns of North Attleborough and Attleborough shall be liable, respectively, for the relief and support of all persons who now do or shall hereafter stand in need of aid as paupers who have derived or acquired or who may derive or acquire a settlement,

Liability for
support of
paupers.

within their respective limits. And the town of North Attleborough shall pay annually to the town of Attleborough such proportion of all costs for the relief and support of those persons who now do or shall hereafter stand in need of aid as paupers and whose settlement by original acquisition or derivation was gained by reason of military service as a part of the quota of the town of Attleborough, or who cannot be located on the site, whence their settlement is derived or whereon it was acquired, as the valuation of the town of North Attleborough shall bear to that of Attleborough as it is now bounded, according to the last state valuation prior to said relief and support.

Existing rights of action in favor of or against town of Attleborough.

SECTION 4. Existing rights of action in favor of or against the town of Attleborough may be instituted and prosecuted or defended by said town in the same manner and with like effect as before the passage of this act, and the amount recovered therein shall be paid or received as the case may be by the town of Attleborough, and reckoning costs and expenses, including counsel fees, shall be divided between the said towns in the ratio of one-half to the town of North Attleborough and one-half to the town of Attleborough.

Division of costs and expenses.

Division of corporate property and debts.

SECTION 5. The corporate property of the town of Attleborough, both real and personal, in being at the time of the passage of this act, and the town debts then existing, shall be divided between the towns of Attleborough and North Attleborough according to the valuation of the property within their respective limits, as assessed May first in the year eighteen hundred and eighty-six. The towns shall severally retain and hold all the real and personal property now within their respective limits, upon a valuation to be agreed upon by the boards of selectmen of both towns in concurrence, and differences in valuation shall be equalized and balances adjusted by apportionment of the town debt. In case of a failure to agree upon a valuation or division of the assets and liabilities, the same shall be determined by a board of three commissioners, neither of whom shall be residents of either of said towns, to be appointed by the superior court for the county of Bristol in term time or vacation, upon petition of either town after notice to the other. The commission so appointed shall sit, and, after hearing both parties, determine the matters of disagreement aforesaid, and

Failing to agree, matter to be determined by commissioners.

return their award into said court, and the award of the majority, when accepted by the court, shall be final; and said court may issue any writ, or make any order thereon necessary to carry the said award into effect. The award may be set aside for fraud or manifest error, but for no other cause, and thereupon may be recommitted to the same or other commissioners to be appointed for the same purpose, with like powers and duties, as aforesaid.

Award of commissioners.

SECTION 6. The town of North Attleborough shall, until otherwise provided by law, continue to be a part of the second congressional district, of the second councillor district, of the first Bristol senatorial district and the first Bristol representative district; and at all elections the inhabitants of the town of North Attleborough shall vote at polling places to be furnished within the said town. The selectmen and clerk of the town of North Attleborough shall make returns of elections as if the town had existed at the time of the formation of said districts.

Election districts.

SECTION 7. Any justice of the peace within and for Bristol county, residing in the town of North Attleborough, may issue his warrant, directed to any inhabitant of said town, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting copies thereof, attested by the person to whom the same is directed, in three or more public places in the town of North Attleborough, seven days at least before the time of such meeting. Such justice, or in his absence, such inhabitant required to notify the meeting, shall preside until the choice of a moderator in said town meeting. The selectmen of the town of Attleborough shall, before said meeting, prepare a list of voters in the town of North Attleborough, qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of moderator thereof.

First meeting for election of town officers.

SECTION 8. The towns of Attleborough and North Attleborough shall bear in equal shares the expense of making the necessary surveys and establishing the lines between the said towns of Attleborough and North Attleborough.

Towns to pay equally for surveys and establishing lines.

Reimbursement
for bounties and
state aid to
soldiers.

SECTION 9. The town of Attleborough shall pay to the town of North Attleborough a half part of whatever amount may hereafter be refunded to said town of Attleborough, from the Commonwealth or United States, to reimburse it for bounties to soldiers or state aid heretofore paid to the families of soldiers after deducting all reasonable expenses.

Rights of exist-
ing corporations
to continue.

SECTION 10. All rights heretofore secured to existing corporations upon the territory hereby incorporated shall continue as though this act had not been passed.

Subject to
acceptance by a
majority of the
registered
voters.

SECTION 11. The foregoing provisions of this act shall be void unless accepted by a majority of the registered voters of the present town of Attleborough voting thereon by ballot at meetings legally called for that purpose and held in the respective voting precincts in that town before the first day of November in the present year. Such meetings shall be held in all the said precincts at the same time and shall be called and notified in the same manner as town meetings, and shall not be called or held more than twice for that purpose. The provisions of chapter two hundred and sixty-four of the acts of the year eighteen hundred and eighty-six shall apply to such meetings and to all proceedings at, or in respect of the same, in the like manner as if the voting at such meetings were for the election of officers other than town officers.

Approved June 14, 1887.

Chap. 413 AN ACT TO AUTHORIZE THE WEST END STREET RAILWAY COMPANY AND CERTAIN OTHER STREET RAILWAY COMPANIES TO LEASE AND TO PURCHASE AND HOLD THE PROPERTY, RIGHTS AND FRANCHISES OF EACH OTHER, AND TO UNITE AND CONSOLIDATE WITH EACH OTHER AND CERTAIN OTHER STREET RAILWAY COMPANIES, AND TO LOCATE AND CONSTRUCT TUNNELS, AND TO ESTABLISH AND MAINTAIN THE CABLE AND ELECTRIC SYSTEMS OF MOTIVE POWER, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows :

The West End
Street Railway
Company and
each of the
other street
railways in
Boston may
unite and con-
solidate.

SECTION 1. The West End Street Railway Company and each of the other street railway companies now authorized to run cars in or into the city of Boston, and each corporation formed by consolidation as herein provided, may unite and consolidate with any or all said companies, and may purchase and hold the whole or any part of the property, rights and franchises of any or all of the same ; and each of said companies may lease, sell, convey and

assign to said West End Street Railway Company, or to any other of said companies now existing or hereafter formed by consolidation under this act, the whole or any part of its property, rights or franchises, and may unite and consolidate with said West End Street Railway Company, or any corporation formed by consolidation as aforesaid, or with any street railway company now authorized to run cars in or into the city of Boston; but such leases, purchases, sales and consolidations shall be only upon such terms and conditions as shall be agreed upon in the first instance by the directors and then by a majority in interest of the stockholders of each corporation at meetings of the stockholders of each corporation called for that purpose and approved by the board of railroad commissioners; and in every case of purchase by one corporation of the entire property, rights and franchises of another or others as aforesaid, the corporation purchasing shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, franchises, property and estates which, at the time of such purchase, shall be had, held, possessed or enjoyed by the corporation or corporations selling, or either or any of them, and shall be subject to all the duties, restrictions and liabilities to which they, or either or any of them, shall then be subject; and in every case of consolidation as aforesaid the corporations uniting shall constitute a new corporation under such name as shall be agreed upon in the manner and at the meetings aforesaid; but the calling of the first meeting of said new corporation, and the management of its business until the election of officers shall be provided for in its articles of consolidation; and every corporation formed by consolidation as aforesaid shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, franchises, property and estates which, at the time of such union, shall be had, held, possessed or enjoyed by the corporations uniting, or either or any of them, and shall be subject to all the duties, restrictions and liabilities to which they, or either or any of them, shall then be subject, and to all general laws then or thereafter in force relating to street railway companies, except as provided in this act: *provided*, that any street railway company created under this act shall not be permitted to increase the rates of fares to an amount exceeding that charged upon the different routes at the date of the passage of this act.

Terms and conditions to be agreed upon by a majority of the stockholders.

Rates of fare not to be increased.

May issue
preferred stock
not exceeding
\$6,400,000.

SECTION 2. Said West End Street Railway Company and any corporation formed by consolidation with said company, under section one of this act, may, having been first authorized to do so by a vote of a majority in interest of its stockholders at a meeting called for that purpose, issue from time to time its preferred stock to an amount not exceeding six million four hundred thousand dollars at par, with shares of the par value of fifty dollars each; and the holders of such preferred stock shall, in preference and priority over the common and all other stock of the corporation, forever be entitled to semi-annual dividends, to be paid out of the net profits of the corporation, not to exceed, however, eight per centum per annum, which shall be determined at such meeting, which dividends shall be cumulative, but shall not be entitled to participate in any increase or issue of new stock, common or preferred, which may at any time be made by said corporation; and such preferred stock shall have the same power of voting and transfer as said common stock, and shall be counted with said common stock in all questions of majorities and quorums, and may be issued in exchange, share for share or upon such other terms as may be agreed upon, for the stock of the other street railway corporations now, or under the provisions of this act, authorized to run cars in or into the city of Boston, upon the surrender and transfer of said stock of said other street railway corporations by the holders thereof; and all of said stock of said other street railway corporations acquired in exchange for such preferred stock as aforesaid shall at once be deposited with such trust company incorporated under the authority of this Commonwealth, and having its principal place of business in said city of Boston, as shall be selected by the directors of said West End Street Railway Company, or the consolidated corporation acquiring the same; and said stock of said other street railway corporations shall be held by said trust company and its successors, with the power and upon the trust to vote upon the same in all matters, as requested by said directors, until all of the shares of said other street railway corporations respectively shall have been received by it; and when, and as often as, all the shares of any one of said other street railway corporations shall have been so received by it, the same shall be cancelled, and thereupon all the locations, powers, privileges, rights, franchises, prop-

erty and estates of said corporation shall belong to, and become and be vested in said West End Street Railway Company, or the consolidated corporation acquiring the same, without any further or other conveyance, assignment or transfer, and said West End Street Railway Company, or said consolidated corporation shall be subject to all the duties, restrictions and liabilities to which said other corporation shall then be subject: and said trust company shall have no power to sell or transfer any of said stock acquired by it in exchange for such preferred stock. Any part of the amount of preferred stock hereby authorized may be issued for cash at not less than its par value, for the purpose of applying the proceeds thereof to the purchase of any of the property, rights and franchises which said corporation is hereby authorized to acquire or purchase, said stock to be disposed of as provided in sections fifty-eight and fifty-nine of chapter one hundred and twelve of the Public Statutes: *provided, however,* that no more preferred stock shall be issued under this act than the present amount of the capital stock of the railways which shall be consolidated or united under the provisions of the first section hereof nor than shall be necessary in amount to replace the common stock which shall be retired or exchanged for such preferred stock in such proportions as shall be agreed upon between the contracting corporations; and no such preferred stock shall be issued except for the purpose of acquiring the stock of such other corporations; but in case the property, rights and franchises of any corporation shall be purchased or acquired hereunder for such an amount of said preferred stock at its par value as shall be less than the capital of the corporation so purchased or acquired the amount of preferred stock thus saved in the exchange may be used and issued for the purpose of acquiring in part any other of said street railway companies.

Any part of preferred stock may be issued for cash for purpose of purchasing property, franchises, etc.

Proviso.

SECTION 3. Said West End Street Railway Company, and any corporation formed by consolidation under section one of this act, may, from time to time, increase its capital stock as provided by the laws of this Commonwealth, and also to such an amount as the board of railroad commissioners may determine to be necessary or expedient to carry into effect the provisions of this act, and the par value of shares of the capital stock of said company shall be fifty dollars each.

May increase capital stock.

May maintain the cable and electric systems of motive power.

SECTION 4. Said West End Street Railway Company, and any corporation formed by consolidation under this act, or authorized to run cars in or into the city of Boston, may, with the consent of the board of aldermen of the city, or the selectmen of the town, in which such action is contemplated, establish and maintain the cable and electric systems of motive power, or either of them; and having first obtained permission from the board of aldermen of such city or the selectmen of such town, and the railroad commissioners, may make such underground and surface alterations of the streets in which its tracks shall be located, as may be necessary to establish and maintain such cable and electric systems of motive power or either of them.

May construct and maintain one or more tunnels under streets and under public and private lands.

SECTION 5. Said West End Street Railway Company, or any corporation formed by consolidation therewith under the provisions of this act, may, from time to time, for the purpose of furnishing to the public better street railway accommodation, with the consent of the board of aldermen and of the board of railroad commissioners, to be given as hereinafter provided, locate, construct and maintain one or more tunnels between convenient points in said city in one or more directions under the squares, streets, ways and places, except as hereinafter provided, and under public and private lands, estates and premises in said city, with the necessary approaches and access thereto, and with suitable tracks, side tracks, turnouts, switches, turn tables, depots, stations and waiting-rooms, and for that purpose may, from time to time, take by purchase or otherwise, and hold such lands or interest therein and such rights of way and easements therein as may be necessary therefor, and for the proper construction, maintenance, lighting, ventilating and use of said tunnels, depots, stations and waiting-rooms and the necessary approaches and access thereto, but only in the manner and upon the terms hereinafter specified. Before any such tunnel shall be constructed or any work thereon shall be begun, and before the taking of any lands, rights, easements or interest therein under this act, said corporation shall prepare a plan of the proposed location of said tunnel on an appropriate scale, with an accurate profile thereof on a vertical scale of ten to one as compared with the horizontal scale, and showing also the grades and levels of the surface of the land over the same, and the length, width, height and manner of construction proposed, sufficiently

Proceedings to be had before tunnel is constructed.

complete and detailed to enable a competent engineer to construct the same and to determine the sufficiency and security thereof, and shall procure the report of a skilful engineer, based on actual examination and survey, showing the feasibility of the construction proposed, and approving thereof, which plan and report, with a petition for the approval thereof, shall be filed with the board of aldermen of the city of Boston and the board of railroad commissioners; and if the said board of aldermen and the board of railroad commissioners, after such public hearing and notice to parties interested as they shall severally direct, shall approve said plan and location, or any such amended plan and location as may be adopted by said corporation and approved by said boards, they shall sign and give to the said corporation a certificate thereof, which shall be taken as their consent to the location, construction and maintenance of said tunnel as herein required. Said tunnel or tunnels, when completed, shall be for the use and under the control of said West End Street Railway Company or other corporation constructing the same for the running of street cars; and the same may be extended or enlarged from time to time in the same manner as is herein provided for their original construction.

SECTION 6. Said corporation shall at the time of taking, otherwise than by purchase, any land or right of way or easement or other interest therein, file in the registry of deeds for the county of Suffolk a declaration of such taking and a full and specific plan and description thereof, sufficiently accurate for identification, with a statement of the purpose for which the same is so taken, which description and statement shall be signed by the president of the corporation, and thereupon said taking shall be complete; and the corporation shall be liable to pay all damages that shall be sustained by any person or corporation by reason of the taking of any such lands or right of way, easement or other interest therein, or by reason of the construction and maintenance of said tunnel; such damages to be ascertained, determined and recovered upon the application of either party, in the manner provided for ascertaining, determining and recovering damages in the case of laying out, constructing and maintaining railroads within the city of Boston and the taking of lands and materials therefor; and said corporation shall give

Declaration of taking land, etc., with full plan and description to be filed in registry of deeds.

security for all such damages and for costs, if required, in the like manner as is provided in case of such laying out of railroads in said city.

Tunnel not to be constructed under Boston Common.

SECTION 7. No location shall be granted upon and no tunnel shall be constructed under Boston Common under this act.

Location not to be valid until approved by the railroad commissioners.

SECTION 8. No location and no alteration or revocation of location of a street railway, and no authority to run cars over or use the tracks of another street railway, whether surface or elevated, in the cities of Boston, Cambridge, or in the town of Brookline, shall hereafter be valid until approved by the board of railroad commissioners. Nothing herein contained shall affect any proceeding now pending before the mayor and board of aldermen of the city of Cambridge.

Acceptance of location, etc.

SECTION 9. The acceptance, by the association for the formation of said West End Street Railway Company, of the location granted to said association on the twenty-eighth day of December, eighteen hundred and eighty-six, by the selectmen of the town of Brookline, which has heretofore been filed by said association and accepted by said selectmen, shall, to all intents and purposes, be deemed to have been filed on the twelfth day of January, eighteen hundred and eighty-seven, and shall have the same force and effect as if then filed.

SECTION 10. This act shall take effect upon its passage.

Approved June 15, 1887.

Chap. 414 AN ACT RELATIVE TO EVIDENCE IN CERTAIN PROSECUTIONS FOR VIOLATION OF THE LIQUOR LAWS.

Be it enacted, etc., as follows:

Signs upon shops, etc., to be prima facie evidence that liquors are kept for sale.

SECTION 1. When it appears in any case arising under chapter one hundred of the Public Statutes that any placard, sign, or advertisement is exposed, maintained or permitted to remain from, in, or upon any vehicle, shop, stand, tenement, or any place of common resort, purporting or designed to announce the keeping in or upon said vehicle or any of said premises of spirituous or intoxicating liquors, except in drug stores, such circumstances shall be prima facie evidence that such liquors are kept in or upon such vehicle or premises for sale.

United States tax receipt to be evidence.

SECTION 2. The posting or maintaining on any premises described in section one of this act, of a United States tax receipt as a dealer in spirituous or intoxicating

liquors, other than malt liquors, shall be prima facie evidence that the person named therein, or his agent for the time in charge, keeps for sale and sells such liquors.

SECTION 3. This act shall apply to all cases arising under the provisions of chapter one hundred and one of the Public Statutes, so far as the same relate to the illegal keeping or sale of intoxicating liquors.

To apply to cases under P. S. 101.

SECTION 4. This act shall take effect upon its passage.

Approved June 15, 1887.

AN ACT TO PROVIDE FOR THE REGULATION OF THE PASSAGE OF VESSELS THROUGH THE DRAW OF THE HIGHWAY AND RAILWAY BRIDGE ACROSS TAUNTON GREAT RIVER IN THE CITY OF FALL RIVER AND TOWN OF SOMERSET.

Chap. 415

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners may make from time to time such rules and regulations, not repugnant to law, in respect to the passage of vessels through the draw of the highway and railway bridge across Taunton great river in the city of Fall River and town of Somerset, as, in the judgment of said board, the protection of said bridge, and the public safety and convenience in the use of said bridge and said river, may require; and may annex penalties not exceeding fifty-dollars for each violation thereof.

Board of harbor and land commissioners to make rules and regulations.

SECTION 2. Such rules and regulations shall provide for the appointment by the Old Colony Railroad Company of a suitable superintendent, experienced in the management of vessels, to have the charge of said draw, and the direction and control of the passage of vessels through the same, who shall have the powers and duties set forth in so much of chapters fifty-three and one hundred and twelve of the Public Statutes as relates to highway and railroad drawbridges, and shall enforce the rules and regulations made as aforesaid.

Rules to provide for appointment of superintendent of draw.

SECTION 3. If a vessel, through the negligence of the persons in charge of her, or through their neglect to comply with such rules and regulations, or disregard of the directions of such superintendent, injures said bridge or the draw or piers connected therewith, the owner or owners of such vessel shall be liable for such damage, to be recovered in an action of tort in the name of such superintendent to the use of the corporations maintaining said bridge.

Liability for damages.

Copy of rules
to be posted.

SECTION 4. A copy of all rules and regulations made as aforesaid shall be posted in some conspicuous place on or near said draw, and such other notice thereof shall be given as directed by said board.

Approved June 16, 1887.

Chap.416 AN ACT TO PROVIDE A FURTHER SUPPLY OF WATER FOR THE CITY OF MALDEN.

Be it enacted, etc., as follows:

Water supply
for city of
Malden.

SECTION 1. The city of Malden, for the purpose of supplying said city and the inhabitants thereof with pure water for the extinguishment of fires and for domestic and other purposes, may take, hold and convey into and through said city, the waters of Martin's pond in the towns of North Reading and Andover, and of the tributaries thereof, with any water rights connected therewith, and may also take and hold by purchase or otherwise any land, rights of way, easements and real estate necessary for laying, constructing and maintaining aqueducts, water courses, reservoirs, storage basins, dams and such other works as may be deemed necessary for collecting, purifying, storing, retaining, discharging, conducting and distributing said waters.

To cause to be
recorded in
registry of
deeds a de-
scription of
land, etc.,
taken.

SECTION 2. Said city shall, within sixty days after taking any lands, rights of way, water rights, water sources or easements aforesaid, otherwise than by purchase, for the purpose of this act, file and cause to be recorded in the registry of deeds for the county and district in which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor.

May construct
aqueducts and
maintain dams
and reservoirs.

SECTION 3. Said city, for the purpose aforesaid, may construct aqueducts and maintain the same; may construct and maintain dams, reservoirs, storage basins and other proper works; may erect buildings and machinery; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of water, and establish the rates to be paid therefor, and collect the same by process of law. Said city may also for the purposes aforesaid, carry any pipe, drain or aqueduct over or under any river, water course, street, railroad, public way, highway or other way, in such

manner as not unnecessarily to obstruct the same, and may enter upon and dig up such road, street or way for the purpose of laying down, maintaining or repairing any pipe, drain or aqueduct, and may do any other thing necessary and proper in executing the purposes of this act.

SECTION 4. If said city enters upon and digs up, for the purposes aforesaid or by reason of anything authorized by this act injures any road, street or way which is outside the limits of said city, it shall be subject to such reasonable regulations as may be prescribed by the selectmen of the town, or the mayor and aldermen of the city, in which such road, street or way is located, and shall restore the same to as good order and condition as it was in when such digging commenced, or before such injury occurred; and shall forever maintain all railings which may be necessary on account of any alteration required to be made in the grade of any portion of any street by reason of anything done under the authority of this act; and the work shall be done and all repairs be made in such manner and with such care as not to render any road, street or way in which such pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall at all times indemnify and save harmless any such city or town which is liable to keep in repair any road, street or way aforesaid against all damages and costs which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur in the defence of suits or otherwise by reason of any defect or want of repair in such road, street or way, caused by the placing, maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property, caused by any defect or want of repair in any such pipes: *provided*, that said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

Digging up lands outside of city limits to be subject to regulation by selectmen of towns.

SECTION 5. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of or injury to any of their land, water, water rights, rights of way, easements or property, or by the constructing or repairing of any aqueduct, reservoir or other works, for the purposes aforesaid: *provided, however*, that said city shall not be liable to pay any damages resulting from the taking and using water from Martin's pond other than the state itself would be legally

Liability for damages.

Petition for assessment of damages to be filed within three years.

liable to pay. If any person sustaining damages as aforesaid does not agree with said city upon the amount of said damages he may within three years from such taking, and not afterwards, apply by petition for an assessment of the damages to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the said city, returnable, if issued in vacation, at the next term of the court to be held after the expiration of fourteen days from the filing of the petition; and if in term time, returnable on such day as the court shall order, to appear and answer to the petition. The summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof and of the petition certified by the officer who serves the same with the clerk of said city; and the court may, upon default or hearing of said city, appoint three disinterested persons who shall after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the persons so appointed, or a major part of them, being returned into and accepted by the court, shall be final and judgment shall be rendered and execution issued thereon for the prevailing party with costs, unless one of the parties claims a trial by jury as hereinafter provided.

Party dissatisfied may have trial by jury.

SECTION 6. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damages awarded as therein expressed, such party may at the term at which such award was accepted or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of the jury, being accepted and recorded by the court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon and costs shall be recovered by the parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Application for damages not to be made until water is diverted.

SECTION 7. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto, until the water is

actually withdrawn or diverted by said city under the authority of this act.

SECTION 8. In every case of a petition to the superior court for an assessment of damages, as provided in this act, the city may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted, and that damages may be awarded against it for the sum therein expressed, and if the complainant does not accept the sum with his costs up to that time, but proceeds in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court, or offer of award and not afterwards, unless the complainant recovers greater damages than were so offered.

City may make tender, etc., for damages.

SECTION 9. All the rights, powers and authority given to the city of Malden by this act shall be exercised by said city, subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the city council shall from time to time ordain, direct and appoint.

Powers may be exercised by agents.

SECTION 10. For the purpose of defraying the cost of such franchises, property, land, easements, water and water rights as may be purchased, taken or held for the purposes aforesaid, and of constructing the works authorized by this act, and paying all expenses incident thereto, the city council of Malden shall have authority to issue in addition to what it is already authorized by law to issue, scrip or bonds, to be denominated on the face thereof Malden Water Loan, to an amount not exceeding four hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. The provisions of section three of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, in regard to establishing and maintaining a sinking fund for the redemption of the Malden water loan, shall apply to this act; and said sinking fund shall remain sacred and inviolate, and pledged to the

May issue additional water loan not exceeding \$400,000.

payment and redemption of said debt and shall be used for no other purpose. The provisions of sections ten and eleven of chapter twenty-nine of the Public Statutes shall so far as applicable, apply to said sinking fund.

Liability of occupant and owner of tenement for use of water.

SECTION 11. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable if, on being notified of such use, he does not object to the same.

Penalty for diverting water or rendering it impure.

SECTION 12. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may also be punished by fine not exceeding one year in the house of correction in said county of Middlesex.

Land taken in North Reading subject to taxation.

SECTION 13. Any lands taken under this act in the town of North Reading shall be subject to an annual tax the same as at present; the valuation upon said lands shall be the average valuation of the same during the three years preceding the passage of this act.

Right to take water by towns of Reading and North Reading not to be affected.

SECTION 14. Nothing contained in this act shall prevent the town of North Reading and the town of Reading from taking from said Martin's pond a supply of water for similar purposes, whenever said towns or either of them may require the same. The city of Malden is hereby authorized to supply the towns of Reading and North Reading, or either of them, with water upon such terms as may be agreed upon between said city and said towns. All acts and parts of acts inconsistent herewith are hereby repealed.

Subject to acceptance within one year.

SECTION 15. This act shall take effect upon its passage; but shall become void unless it is accepted by the city council of Malden within one year from its passage.

Approved June 16, 1887.

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN TO CONTRACT WITH THE COUNTY COMMISSIONERS OF OTHER COUNTIES IN THE COMMONWEALTH FOR THE CUSTODY AND SUPPORT OF PRISONERS.

Chap. 417

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Franklin shall fix the date at which the jail and house of correction at Greenfield, in said county, shall cease to be occupied and used as such, and shall notify the trial justices and the clerk of courts of said county of said date; and when the new jail and house of correction at Greenfield in said county shall be ready for occupancy, they shall fix the date therefor, and shall so notify said trial justices and said clerk. During the time which shall intervene between the date at which the present jail and house of correction in said county shall cease to be occupied and used, and the date fixed as aforesaid as that upon which said new jail and house of correction shall be ready for occupancy, each person who would otherwise be committed to the jail or house of correction, either to await trial or examination, or upon sentence, or in any other manner or for any other purpose, shall be committed to the custody of the sheriff of said county, instead of being committed to the jail or house of correction; and said persons so committed shall remain in the custody of said sheriff in the same manner in which they would have remained in the jail or house of correction in case they had been committed thereto, until they shall have been disposed of as hereinafter provided.

County commissioners to fix date when jail and house of correction shall cease to be occupied.

Persons to be committed to the custody of the sheriff.

SECTION 2. The sheriff of the county of Franklin is hereby authorized to remove to the jail at Fitchburg in the county of Worcester, and to commit thereto, any person now held in the jail at Greenfield, or who may hereafter be committed thereto, or any person committed to his custody as aforesaid, otherwise than upon sentence; and a person so committed shall be held in said jail at Fitchburg, and may be released therefrom, in the same manner in which he would have been held in or released from the jail in the county of Franklin, if he had been committed thereto.

Sheriff of Franklin county may remove, commit, etc., to jail at Fitchburg in Worcester county.

SECTION 3. The sheriff of said county of Franklin is hereby authorized to remove to the house of correction at Fitchburg aforesaid, and to commit thereto, any person

May remove, commit, etc., to house of correction in Worcester county.

held in the house of correction at Greenfield, or who may hereafter be committed thereto, and any person who shall be committed to his custody, as aforesaid, upon a sentence; and a person so committed shall be held in said house of correction at Fitchburg in the same manner as he would have been held in the house of correction at Greenfield, if committed thereto.

After date for occupancy of new jail is fixed, prisoners returned, committed, etc.

SECTION 4. At any time after the date fixed by said county commissioners as that upon which said new jail and house of correction at Greenfield shall be ready for occupancy, the sheriff of said county of Franklin may remove from said jail at Fitchburg to said jail at Greenfield any prisoners committed to said jail at Fitchburg, as aforesaid; and he may remove from the house of correction at Fitchburg to the house of correction at Greenfield any prisoner committed to said house of correction at Fitchburg, as aforesaid, and the prisoners so removed shall be held in said jail and house of correction at Greenfield as if they had been originally committed thereto.

SECTION 5. Section two of chapter fifty-six of the acts of the current year is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved June 16, 1887.

Chap. 418 AN ACT RELATING TO CONDITIONS AND RESTRICTIONS ON REAL ESTATE.

Be it enacted, etc., as follows:

Limitation of restrictions, etc., on real estate.

When the title or use of real estate is affected by conditions or restrictions unlimited as to time, such conditions or restrictions shall be construed as being limited to the term of thirty years from the date of the deed or other instrument or the date of the probating of the will creating such conditions or restrictions, except only in cases of gifts or devises for public, charitable, or religious purposes. This act shall not apply to existing conditions or restrictions or to such as may be contained in a deed, gift or grant of the Commonwealth, nor shall it operate in any case to defeat restrictions for a term of years certain.

Approved June 16, 1887.

AN ACT RELATIVE TO THE ASSESSMENT AND COLLECTION OF TAXES *Chap.419*
BY RELIGIOUS SOCIETIES.

Be it enacted, etc., as follows:

SECTION 1. Religious societies shall not assess taxes on the polls or estates of their members: *provided*, that pews may be assessed as heretofore. Taxes not to be assessed on polls or estates.

SECTION 2. Section twenty-one of chapter thirty-eight of the Public Statutes, and all acts and parts of acts inconsistent herewith are repealed. Repeal.

SECTION 3. This act shall take effect on the first day of January in the year eighteen hundred and eighty-eight. To take effect January 1, 1888.

Approved June 16, 1887.

AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF THE *Chap.420*
SUPERIOR COURT.

Be it enacted, etc., as follows:

Any justice of the superior court, after having held his commission as such at least ten consecutive years and having attained the age of seventy years, who shall resign his office, shall during the residue of his natural life receive one-half of the salary which was by law payable to him at the time of his resignation, to be paid from the treasury of the Commonwealth in the same manner as the salaries of acting justices are paid. Retirement of justices of superior court.

Approved June 16, 1887.

AN ACT TO PROVIDE FOR HEATING THE JAIL AND HOUSE OF COR- *Chap.421*
RECTION AT NORTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Hampshire are hereby authorized and required to provide, before the first day of November of the year eighteen hundred and eighty-eight, for heating by steam the jail and house of correction at Northampton. To be heated by steam.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT TO PREVENT ILLEGAL PEDDLING AND BEGGING BY CER- *Chap.422*
TAIN MINORS.

Be it enacted, etc., as follows:

Any parent, or other person, who employs a minor under the age of fifteen years, in peddling without a license, Penalty on parent, etc., for employing

minor to peddle
without a
license.

when a license is required by law, or in begging, or who having the care or custody of such minor permits him to engage in such employment, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding six months. *Approved June 16, 1887.*

Chap.423

AN ACT RELATING TO THE INVESTMENTS OF SAVINGS BANKS.

Be it enacted, etc., as follows:

Investments by
savings banks.

SECTION 1. In addition to the investments authorized by section twenty of chapter one hundred and sixteen of the Public Statutes, savings banks and institutions for savings may invest their deposits and the income derived therefrom in the legally authorized bonds of the states of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin and Iowa, and of the District of Columbia, and in the legally authorized bonds for municipal purposes of any city of the aforesaid states, and in the state of New York, which has at the date of such investment more than thirty thousand inhabitants, as established by the last national or state census preceding said investment, and whose net indebtedness does not exceed five per cent. of the valuation of the taxable property therein, to be ascertained by the last preceding valuation of property therein for the assessment of taxes; and in the note or notes of any citizen of this commonwealth, with a pledge as collateral of any of the aforesaid securities, the amount invested in such note or notes not to exceed in any case eighty per cent. of the market value of the securities pledged.

Repeal.

SECTION 2. Chapter two hundred and thirty-one of the acts of the year eighteen hundred and eighty-two is hereby repealed. *Approved June 16, 1887.*

Chap.424

AN ACT TO AUTHORIZE THE GREAT BARRINGTON WATER COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May increase
capital stock.

SECTION 1. The Great Barrington Water Company is hereby authorized to increase its capital stock to an amount which together with the capital heretofore authorized shall not exceed in the aggregate fifty thousand dollars.

SECTION 2. This act shall take effect on the first day of October in the year eighteen hundred and eighty-seven.

Approved June 16, 1887.

AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO TAKE LANDS IN BOSTON FOR FREIGHT PURPOSES. Chap.425

Be it enacted, etc., as follows:

SECTION 1. The Fitchburg Railroad Company may at any time within one year from the passage of this act and after six months' notice in writing to the owners or occupants of the land which it is proposed to take, take for the purposes of a freight station and for terminal facilities all the land in that part of Boston formerly called Charlestown, bounded and enclosed by Charles river avenue, City square, Chelsea street, Wapping street, the United States navy yard and the harbor commissioners' line, with the right to close all streets, lanes, courts and highways of every description, now in any wise crossing, or upon the said premises: *provided, however,* that after the said railroad company shall have taken said land, it shall allow Wapping street to be widened ten feet throughout its whole length upon the side of said land, and shall claim no damages on account of such widening; and *provided, also,* that nothing herein contained shall authorize the taking of any lands or rights therein belonging to the Commonwealth.

May take lands in Boston for freight purposes.

Proviso.

SECTION 2. All general laws relating to the taking of land for railroad purposes shall be applicable to and govern the proceedings in the taking of lands provided for in this act, except as is herein otherwise expressly provided. The said railroad company shall pay all the damages occasioned by the taking of said land, which damages shall be estimated by a special commission of three disinterested persons to be appointed by the superior court, or a justice thereof. Said commission after notice and hearing the parties, shall make a return of its findings in writing to said court, and, if requested by any owner of land so taken, shall require the said Fitchburg Railroad Company to give security to their satisfaction for the payment of all damages and costs which may be awarded by them, or by a jury, to such owner for the land or other property taken, in the same manner and to the same extent that county commissioners may require such security under the general laws regulating the estimate of damages for the taking of land and other property by railroad corporations. Any party, if dissatisfied with the award of said commission as to such party, may

General laws applicable, except, etc.

Party dissatisfied may apply for a jury.

at any time within one year after it is returned into court apply to said court for a jury to assess the damages and in such case the proceedings shall, except as herein otherwise provided, be the same as are provided by law for the recovery of damages in the laying out and maintaining railroads. Said court may issue any writ or make any order on the award of said commissioners necessary to carry the same into effect.

May increase capital stock.

SECTION 3. Said Fitchburg Railroad Company may, for the purposes of this act, by a vote of its stockholders at a meeting duly called for the purpose, increase its capital stock to an amount equal to the amount actually expended under this act.

Lands not to be exempt from taxation.

SECTION 4. Lands acquired, taken or purchased by said company under this act shall not be exempt from taxation.

SECTION 5. This act shall take effect upon its passage.

Approved June 16, 1887.

Chap. 426 AN ACT TO AUTHORIZE THE USE OF THE REFORMATORY PRISON FOR WOMEN AT SHERBORN AND THE STATE INDUSTRIAL SCHOOL FOR GIRLS AT LANCASTER FOR THE PUNISHMENT OF FEMALE OFFENDERS CONVICTED IN THE COURTS OF THE UNITED STATES.

Be it enacted, etc., as follows:

Female convicts may be committed to the reformatory prison for women.

SECTION 1. Section forty-three of chapter two hundred and twenty-one of the Public Statutes is hereby amended so as to read as follows: — *Section 43.* The reformatory prison for women at Sherborn in the county of Middlesex shall be the prison of the Commonwealth for the reformation and punishment of female offenders; in which shall be kept imprisoned and detained all female convicts duly committed or removed thereto conformably to the sentences or orders of any court of the state or of the courts of the United States held within the district of Massachusetts, and the rules and regulations of said prison.

Provisions of P. S. 89 to extend to industrial school for girls.

SECTION 2. The provisions of chapter eighty-nine of the Public Statutes respecting the state industrial school for girls at Lancaster shall extend to girls committed by authority of the courts of the United States held within the district of Massachusetts.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT TO ENLARGE THE AREA FOR THE PROPOSED MARINE PARK OF THE CITY OF BOSTON BETWEEN SOUTH BOSTON AND CASTLE ISLAND.

Chap. 427

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and sixty of the acts of the year eighteen hundred and eighty-five is hereby so amended, that the board of park commissioners of the city of Boston, subject to the provisions of chapter nineteen of the Public Statutes, excepting so much of section sixteen of said chapter nineteen as requires the payment into the treasury of compensation for the rights and privileges hereby granted in land of the Commonwealth, may make such excavation and filling, and erect and maintain such structures, in and over the area of tide-water at or near Dorchester point in South Boston, which lies south of a line drawn parallel to and three hundred feet distant northerly from the northerly line of East First street extended easterly to Castle island, and east of the westerly line of Q street extended northerly to an intersection with said parallel line and southerly into Old Harbor, as the said board may deem necessary or desirable for the purposes of a public park in accordance with the provisions of chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-five.

Area of marine park of Boston may be extended.

SECTION 2. All lands of the Commonwealth which are occupied or enclosed under the provisions of this act shall be appropriated to and used solely for the purposes of a public park.

Lands of the Commonwealth occupied to be used solely for a park.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT RELATING TO STONY BROOK IN THE CITY OF BOSTON.

Chap. 428

Be it enacted, etc., as follows:

SECTION 1. For the purpose of preventing the overflow of Stony brook between the Tremont street crossing of the Boston and Providence railroad and the Back Bay park of the city of Boston, said city may alter the course of, and make a new channel, covered or uncovered, for said brook from a point near said crossing to said park, and may take land therefor.

May make a new channel for Stony Brook.

SECTION 2. Said city shall within sixty days from such taking, otherwise than by purchase, cause to be recorded in the registry of deeds for the county of Suffolk a descrip-

Description of lands taken to be recorded in the registry of deeds.

tion of the lands so taken as certain as is required in a common conveyance of land, with a statement of the purpose for which the same was taken, which description and statement shall be signed by the mayor of said city.

Damages.

SECTION 3. Said city shall pay all damages that shall be sustained by any person in property by the taking of any lands, rights or easements under the authority of this act, and, if any person sustaining such damage fails to agree with said city as to the amount of damages sustained, such damage shall be assessed and determined in the superior court for the county of Suffolk, on the written application of either party therefor filed with the clerk of said court within one year of such taking, but no such application shall be made after the expiration of said one year; and upon such application, after such notice as said court shall order, the damages shall be determined by a jury in said court in the same manner as damages for land taken for highways in said city are determined; and costs shall be taxed as in civil cases.

Stony Brook
Improvement
Scrip not to
exceed \$500,000.

SECTION 4. For the purpose of defraying all the costs and expenses of such lands and rights as shall be taken, purchased or held for the purposes mentioned in this act, and of constructing all channels and works necessary and proper for the accomplishment of the said purpose and all expenses incident thereto, the city council shall have authority to issue from time to time negotiable notes, scrip or certificates of debt, to be denominated on the face thereof Stony Brook Improvement Scrip, to an amount not exceeding in the whole the sum of five hundred thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than fifty years from the issuing of the said scrip, notes or certificates, respectively. And the said city council may authorize the city treasurer to sell the same or any part thereof from time to time, at public or private sale, or pledge the same to raise money for the purposes aforesaid, on such terms and conditions as said city council shall judge proper.

Not to be in-
cluded within
the limit, etc.

SECTION 5. The debt and loans authorized by this act shall not be included within the limit fixed by section two of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-five.

SECTION 6. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO USE AND OCCUPY CERTAIN LAND BELONGING TO THE COMMONWEALTH FOR A PUBLIC PARK.

Chap. 429

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester is hereby granted the right to hold, occupy and control free of rent or charge by the Commonwealth all the land belonging to the Commonwealth in said city which lies between Shrewsbury street, a public highway, and East Shelby street, so called, a street laid out by said Commonwealth over its land, containing twelve acres, more or less, for the purpose of constructing and maintaining a public park.

City may occupy land of the Commonwealth in Worcester.

SECTION 2. The said city of Worcester by its board of park commissioners shall within five years from the passage of this act lay out and establish a public park over all said land by suitable filling, grading and draining, and by suitable cultivation and ornamentation for the uses of said park; and shall thereafter keep and maintain said grounds in a neat and ornamental condition.

May lay out a public park.

SECTION 3. While this act is in force the trustees of the state lunatic hospital at Worcester shall not sell any portion of the land above described under the provisions of section four of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and seventy.

Trustees not to sell land, etc.

SECTION 4. The board of park commissioners of the city of Worcester shall have the same powers and authority with reference to said land as it now has with reference to other parks laid out in said city, except the power to assess betterments accruing to real estate by locating and laying out said land as a public park.

Powers of park commissioners.

SECTION 5. After said land is so laid out as a public park the said city is hereby authorized to raise, appropriate and expend such sums as it may deem best for the improvement of said park subject to the laws of this Commonwealth limiting municipal indebtedness.

City may raise money for improvements.

SECTION 6. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT AUTHORIZING RAILROAD CORPORATIONS TO CHANGE THEIR LOCATIONS FOR THE PURPOSE OF IMPROVING THE ALIGNMENT OF THEIR ROADS.

Chap. 430

Be it enacted, etc., as follows:

SECTION 1. A railroad corporation, for the purpose of improving the alignment of its road may with the ap-

Railroad corporation may change location

for improve-
ment of align-
ment of road.

proval in writing of the board of railroad commissioners upon petition and after due notice to all persons interested change its location subject in all respects to the provisions of chapter one hundred and twelve of the Public Statutes and of all general laws now or hereafter passed relating to the fixing of the route of railroads, the laying out of the same and the taking of land and the payments of damages therefor. Said corporation shall with respect to such new location be subject to all the general laws now existing or hereafter passed relating to railroad corporations.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1887.

Chap. 431

AN ACT TO LIMIT AND REGULATE THE SALE OF INTOXICATING LIQUORS BY RETAIL DRUGGISTS AND APOTHECARIES.

Be it enacted, etc., as follows:

Sixth class
license only to
be granted to
retail druggists.

SECTION 1. No license, except of the sixth class, named in section ten of chapter one hundred of the Public Statutes, shall be hereafter granted to retail druggists or apothecaries for the sale of spirituous or intoxicating liquor. One or more licenses of the sixth class shall be granted annually by the mayor and aldermen or board of license commissioners of cities, the board of police of the city of Boston or the selectmen of towns to retail druggists and apothecaries, if the applicant is a fit person to receive such license and is not disqualified to receive the same under the provisions of section sixteen of said chapter. Retail druggists and apothecaries shall not be subject to the second clause of section nine of said chapter, when the sale is made as hereinafter provided upon the prescription of a physician.

How sales shall
be made.

SECTION 2. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

Book to be kept
in which every
sale shall be
entered, etc.

SECTION 3. A book shall be kept by every retail druggist and apothecary, in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as

part of said entry, the kind, quantity and price of said liquor, the purpose for which sold and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows :—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.	Signature of Purchaser.
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SECTION 4. The book, certificates and prescriptions before provided for, or referred to, shall at all times be open, in the city of Boston to the inspection of the board of police, and in all the cities and towns of the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers and justices of the peace.

Books, etc., to be open to inspection.

SECTION 5. Any person making or issuing a false or fraudulent certificate or prescription named in section two or three of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of this act shall, upon conviction thereof, be liable to the penalties prescribed by section eighteen of said chapter one hundred, and his license shall thereby be rendered void.

Penalty for making false certificate or prescription.

SECTION 6. Section three and so much of sections two, five and eight of said chapter one hundred as are inconsistent herewith, are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT WITH REFERENCE TO REGISTRARS OF VOTERS.

Chap.432

Be it enacted, etc., as follows :

SECTION 1. Whenever upon written complaint to the mayor of any city or selectmen of any town it shall, after notice and hearing, have been determined that the city or town clerk and the two registrars of voters whose terms

Removal of registrars of voters.

of office do not expire that year represent the same political party, the said mayor or selectmen shall remove from office the registrar other than said clerk whose term would expire in the succeeding year.

Removal, etc.

SECTION 2. Whenever upon written complaint to the mayor of any city or selectmen of any town it shall, after notice and hearing, have been determined that a registrar of voters other than the city or town clerk has ceased to act with the political party which he was appointed to represent, the said mayor or selectmen shall remove him from office.

Vacancies.

SECTION 3. All vacancies occurring under the two previous sections shall be filled in accordance with the provisions of section fourteen of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four.

Approved June 16, 1887.

Chap. 433

AN ACT RELATING TO THE EMPLOYMENT OF MINORS WHO CANNOT READ AND WRITE IN THE ENGLISH LANGUAGE.

Be it enacted, etc., as follows :

Penalty for employing minors under fourteen years who cannot read and write in English.

SECTION 1. Every owner, superintendent or overseer of any manufacturing, mechanical or mercantile establishment who employs, or permits to be employed therein, a minor under fourteen years of age who cannot read and write in the English language, except during the vacation of the public schools in the city or town where such minor lives, and every parent or guardian who permits such employment, shall, for every such offence, forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of such city or town.

Penalty for employing minor, etc., who has not attended school.

SECTION 2. Every person who regularly employs, or permits to be employed, a minor fourteen years of age, or over, who cannot read and write in the English language, providing such minor has been, since reaching the age of fourteen, for one year continuously a resident of a city or town in this Commonwealth wherein public evening schools are maintained, and is not a regular attendant of a day or evening school, shall, for every such offence, forfeit not less than fifty nor more than one hundred dollars, for the use of the evening schools of such city or town.

Employment of minor may be permitted when necessary for support.

SECTION 3. Whenever it appears that the labor of any minor who would be debarred from employment under section two of this act, is necessary for the support of the

family to which said minor belongs, or for his own support, the school committee of said city or town may, in the exercise of their discretion, issue a permit authorizing the employment of such minor within such time or times as they may fix, and the provisions of said section two shall not apply to such minor so long as said permit is in force.

SECTION 4. Two weeks next before the opening of each term of the evening schools, the school committee shall, by posters posted in three or more public places of said city or town, give notice of the location of said schools, the date of the commencement of the term, the evenings of the week during which said schools shall be kept, the provisions of section two of this act as to forfeiture for non-compliance with said section, and such regulations as to attendance as they shall deem proper.

Notice to be given concerning evening schools.

SECTION 5. Section seven of chapter forty-eight of the Public Statutes is hereby repealed.

Repeal.

SECTION 6. This act shall take effect on the first day of October in the year one thousand eight hundred and eighty-seven.

To take effect October 1, 1887.

Approved June 16, 1887.

AN ACT TO AUTHORIZE THE SOCIETY FOR THE RELIEF OF AGED AND DESTITUTE CLERGYMEN TO HOLD ADDITIONAL PROPERTY FOR THE RELIEF OF WIDOWS AND ORPHANS OF CLERGYMEN.

Chap. 434

Be it enacted, etc., as follows:

SECTION 1. The Society for the Relief of Aged and Destitute Clergymen, incorporated by chapter one hundred and eighteen of the acts of the year eighteen hundred and fifty, may receive and acquire by gift, bequest or otherwise, and may take, hold, manage, convey and dispose of in a separate fund for the relief of destitute widows and orphans of clergymen, additional personal estate to an amount not exceeding fifty thousand dollars.

Fund for relief of destitute widows and orphans of clergymen.

SECTION 2. Persons paying money to said society to make themselves members or to continue their membership thereof, or making gifts, legacies or bequests by will or otherwise to said society, may designate in writing to which of the funds of said society such payment, gift, legacy or bequest shall be added, and the society shall comply with such designation. If no such designation is made the payment, gift, legacy or bequest shall be added to the general fund of the society.

Persons paying money may designate to which fund it shall be applied.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1887.

Chap.435 AN ACT TO PROVIDE FOR THE PUNISHMENT OF HABITUAL CRIMINALS.*Be it enacted, etc., as follows :*"Habitual
criminal" de-
scribed.

SECTION 1. Whoever has been twice convicted of crime, sentenced and committed to prison, in this or any other state, or once in this and once at least in any other state, for terms of not less than three years each, shall, upon conviction of a felony committed in this state after the passage of this act, be deemed to be an habitual criminal, and shall be punished by imprisonment in the state prison for twenty-five years: *provided, however,* that if the person so convicted shall show to the satisfaction of the court before which such conviction was had that he was released from imprisonment upon either of said sentences, upon a pardon granted on the ground that he was innocent, such conviction and sentence shall not be considered as such under this act.

Punishment.

Permit to be at
liberty when
reformed.

SECTION 2. When it shall appear to the governor and council that any person sentenced to the state prison as an habitual criminal has reformed, they may issue to him a permit to be at liberty during the remainder of his term of sentence, upon such conditions as they deem best; and they may revoke said permit at any time previous to its expiration. The violation by the holder of a permit, granted as aforesaid, of any of the terms or conditions of such permit, or the violation of any of the laws of this Commonwealth, shall of itself make void said permit.

Permit may be
revoked, etc.

SECTION 3. When any permit granted under the provisions of the preceding section has been revoked, or has become void as aforesaid, the governor shall issue his warrant authorizing the arrest of the holder of said permit and his return to said state prison. Said warrant may be served by any officer authorized to serve criminal process in any county in this Commonwealth. The holder of said permit, when returned to said state prison as aforesaid, shall be detained therein according to the terms of his original sentence; and in computing the period of his confinement the time between his release upon said permit and his return to the state prison shall not be taken to be any part of the term of the sentence.

Approved June 16, 1887.

AN ACT TO PUNISH UNNATURAL AND LASCIVIOUS ACTS.

Chap.436

Be it enacted, etc., as follows :

SECTION 1. Whoever commits any unnatural and lascivious act with another person shall be punished by imprisonment in the state prison for not more than five years or in the jail or house of correction for not more than three years, or by fine of not less than one hundred dollars nor more than one thousand dollars.

Punishment for committing lascivious acts, etc.

SECTION 2. In any complaint or indictment under this act it shall not be necessary to allege a description of the act charged to have been committed, but it shall be sufficient to allege that the defendant committed an unnatural and lascivious act with the person named or referred to in the complaint or indictment, but the superior court in any such prosecution upon motion of the defendant or his counsel shall order the district attorney to furnish him with specifications of the act charged.

Description of act need not be alleged in complaint.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT GIVING PREFERENCE IN APPOINTMENTS TO OFFICE TO HONORABLY DISCHARGED SOLDIERS AND SAILORS WITHOUT CIVIL SERVICE EXAMINATIONS.

Chap.437

Be it enacted, etc., as follows :

SECTION 1. All persons who served in the army or navy of the United States in the time of the war of the rebellion, and were honorably discharged therefrom, may be preferred for appointment to office or employment in the service of the Commonwealth, or the cities thereof, without having passed any examination provided for by chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, or by the rules of the civil service commission made under the provisions of said act. Age, loss of limb or other physical impairment, which shall not in fact incapacitate, shall not be deemed cause to disqualify under this act. But nothing herein contained shall be construed to prevent such persons from making application for such examination, or from taking such examination, provided they are entitled to do so under the rules of said commission.

Soldiers and sailors may be appointed to office without passing civil service examination.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1887.

Chap.438 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A CONTROLLER TO AUDIT THE ACCOUNTS OF COUNTY OFFICERS, OFFICERS OF INFERIOR COURTS AND TRIAL JUSTICES.

Be it enacted, etc., as follows :

Controller of accounts of county officers to be appointed.

SECTION 1. A controller of the accounts of county officers, officers of inferior courts and trial justices, shall be appointed by the governor with the advice and consent of the council, who shall hold his office for three years from the date of his commission and until his successor is appointed and qualified, unless sooner removed by the governor with the advice and consent of the council. Upon the occurrence of a vacancy before the expiration of the term, an appointment shall be made for the remainder of the term. The controller shall be provided with an office in the state house or in some other suitable place in the city of Boston.

Salary established.

SECTION 2. The annual salary of said controller shall be twenty-five hundred dollars ; said controller may employ to assist him in the discharge of the duties of his office two clerks, each with an annual salary of fifteen hundred dollars, and shall be allowed also the actual expenses of himself and said clerks incurred in travelling in the discharge of official duties.

Duties of controller.

SECTION 3. Said controller shall inspect the books and accounts of the county treasurer of each county, except Suffolk, at least once a year without previous notice to said treasurer, and examine all original vouchers for the expenditures made by said treasurer, for or on account of the several departments or officers having authority to contract the same ; and shall also visit or cause to be visited, at least once a year without previous notice, all other said county officers, receiving money payable by such officers to the county treasurer, clerks of the supreme judicial court and superior courts in the county of Suffolk, all trial justices and clerks of police, municipal and district courts, and justices of such courts, having no clerk, and at such time shall make an examination of the books, accounts and vouchers of the aforesaid officers, ascertaining in detail the various items of receipts and expenditures ; and said controller shall ascertain the actual amount of cash or money on hand in any of the aforesaid departments or with any of said officers, and shall require, so far as possible, uniformity and cor-

rectness in the method of keeping said accounts, and may order such classification of receipts and expenditures as he sees fit.

SECTION 4. To enable said controller to perform the services required of him, the said officers and persons named in section three shall afford all reasonable and needed facilities; and it is hereby made the duty of all such officers and persons to make returns and exhibits under oath to said controller in such form and at such time or times as he shall prescribe; and any such officer who refuses or neglects to give such information as may be required by said controller, provided the same is within his knowledge, shall be deemed guilty of a misdemeanor, and shall be punished therefor by fine not exceeding one hundred dollars for each offence; and if any person in making such return or exhibit, or in giving such information or statement on his oath, knowingly swears falsely concerning the same, he shall be deemed guilty of perjury, and punished accordingly.

Returns to controller to be made under oath.

Penalty for making false return.

SECTION 5. All clerks of police, municipal and district courts, except the municipal court of the city of Boston, and justices of such courts having no clerk, and all trial justices, shall on the first day of January, April, July and October in each year account for and pay over to the treasurer of the county or other officer authorized by law to receive the same, all moneys received by them, and payable by law to said counties, and render to said treasurer or other officer a detailed account on oath of the same. The clerks of the municipal court of the city of Boston shall on the first day of each month account for and pay over to the collector of the city of Boston or other officer authorized by law to receive the same all moneys received by him and by law payable to the county of Suffolk, and render to said collector or other officer a detailed account on oath of the same.

Payments to be made to county treasurers.

SECTION 6. The several officers and persons named in section three of this act shall keep an accurate record of, and shall on or before the fifteenth day of January in each year make return under oath to said controller of, all sums of money which have in any way been charged or received by them or to their use by reason or on account of their said offices or in their official capacity, and also of all expenditures made or incurred by them by reason or on account of the same for the year ending with the thirty-

Annual returns to controller to be made on or before January 15.

first day of December next preceding. Said controller shall examine the same and compile the material parts thereof in tabular form, and on or before the first day of February in each year report the same to the general court.

Report of neglect to be made to attorney-general.

SECTION 7. Said controller shall report to the attorney-general the refusal or neglect of any such officer or person to comply with the requirements of this act, and it shall be the duty of the attorney-general promptly to take action thereon.

Repeal.

SECTION 8. Sections thirty-six, thirty-seven, thirty-eight and thirty-nine of chapter twenty-three, section thirty-four of chapter one hundred fifty-four, section seventy-eight of chapter one hundred fifty-five, section seventy-three of chapter sixteen of the Public Statutes, chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty-six, and all acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 9. This act shall take effect upon its passage.

Approved June 16, 1887.

Chap. 439

AN ACT TO SUPPLY THE TOWN OF ANDOVER WITH WATER.

Be it enacted, etc., as follows:

Water supply for town of Andover.

SECTION 1. The town of Andover may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; and may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Town may take waters of ponds, etc.

SECTION 2. The said town, for the purposes aforesaid, may take by purchase or otherwise and hold the waters of any pond, stream or spring within the limits of said town, excepting the water of the Shawsheen river, and the water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said town of Andover; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and

Not to take water of Shawsheen river.

may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

To cause to be recorded within sixty days a description of land, etc., taken.

SECTION 4. The town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act, but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Town to pay damages sustained.

Application for damages not to be made until water is diverted.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words Andover

Bonds not exceeding \$100,000 may be issued.

Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually, at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

To establish a sinking fund.

May provide for annual proportionate payments in lieu of sinking fund.

SECTION 6. The said town, instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act and when such vote has been passed, the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return to state amount of fund, etc.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

To raise annually by taxation sufficient for current expenses and interest.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund, and payments on the principal, as may be required under the provisions of this act.

Penalty for corrupting water or injuring property.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under

this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

SECTION 10. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Board of water commissioners to be elected.

To be trustees of sinking fund.

Vacancies in board.

SECTION 11. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at any legal town meeting called for the purpose within three years from its passage; but the number of such meetings shall not exceed three in any one year. At such meetings the votes shall be taken by written or printed ballots, and the polls shall be kept open at least four hours. At such meetings the selectmen shall preside, and in receiving said ballots the check list shall be used in the same manner as it is used at elections of national, state and county officers.

Subject to acceptance by a two-thirds vote.

Check list to be used.

Approved June 16, 1887.

Chap.440 AN ACT TO PREVENT THE REMOVAL TO THE STATE ALMSHOUSE OF SICK PAUPERS.

Be it enacted, etc., as follows:

Pauper not to be removed to state almshouse if health will be injured.

SECTION 1. No city or town officer or agent having the care and oversight of a sick pauper shall remove or cause to be removed or attempt to remove, either by himself or by an agent such pauper to the state almshouse unless there shall be reasonable cause to believe that such removal will not injure or endanger the health of such pauper.

Removal upon order of the state board of health or upon physician's certificate.

SECTION 2. No city or town officer or agent having the care and oversight of a sick pauper shall remove or cause to be removed or attempt to remove such pauper to the state almshouse, unless so ordered by the state board of lunacy and charity, until he shall have first procured a certificate of some competent physician setting forth that he has at the request of such officer examined such pauper and that in his opinion such pauper can be removed to the state almshouse without injury or danger to his health.

Penalties.

SECTION 3. Any city or town officer or agent violating the provisions of this act, or any physician who shall falsely certify as provided in the second section of this act, shall be punished by fine not less than twenty-five nor more than one hundred dollars or by imprisonment for not less than three months nor more than twelve months, or by both fine and imprisonment.

Approved June 16, 1887.

Chap.441 AN ACT IN AID OF THE HOSPITAL COTTAGES FOR CHILDREN IN BALDWINVILLE IN THE TOWN OF TEMPLETON.

Be it enacted, etc., as follows:

Allowance to the Hospital Cottages for Children.

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth to the Hospital Cottages for Children, a charitable corporation, organized under the laws of the Commonwealth for the care, training and treatment of diseased, maimed, feeble-minded, destitute and orphan children and located in Baldwinville, Massachusetts, the sum of ten thousand dollars to be expended in payment of existing debts of the institution, in the construction of or improving the water supply, and purchase of additional land and in aid and in furtherance of the charitable objects of its organization.

SECTION 2. The governor with the advice and consent of the council shall on or before the first day of September in the year eighteen hundred and eighty-seven appoint and commission two persons as trustees of said corporation, to serve without compensation, and who together with the trustees elected by said corporation under the provisions of its constitution and by-laws shall have the management of the business and property of the corporation, and the general supervision of its cottages. The trustees so appointed and commissioned shall hold their offices for the period of three years, and all vacancies in the trustees so appointed, whether occurring by expiration, of term, or otherwise, shall be filled in like manner by the governor with the advice and consent of the council, and the trustees so appointed from a cause other than an expiration of term shall hold office only during such unexpired term, unless reappointed.

Two trustees to be appointed by governor and council.

SECTION 3. The trustees of said corporation shall annually prepare and send to the board of lunacy and charity a written or printed report of all its proceedings, income and expenditures properly classified, for the year ending on the thirtieth day of June, stating the sum expended under said or other appropriation, the whole number and the average number of beneficiaries, the number and salaries of officers and persons employed, and such other information as the said board may require.

To make annual report to the board of lunacy and charity.

SECTION 4. The board of lunacy and charity may send to and keep at said Hospital Cottages for Children from the public institutions of the Commonwealth under their supervision the aggregate number of ten children and no more, afflicted with epilepsy or other chronic diseases, to be maintained free of expense to the Commonwealth for the term of one year from the date of their respective admissions thereto. Only such children shall be sent to said hospital cottages by said board under the above provisions as shall be approved by the trustees and superintendent of said corporation.

Board may send to hospital ten children afflicted with epilepsy, etc.

SECTION 5. This act shall take effect upon its acceptance by the trustees of said Hospital Cottages for Children at a meeting called for the purpose, to be held on or before the first day of July in the year eighteen hundred and eighty-seven. Due notice of the acceptance or non-acceptance of this act by said trustees shall be sent by

To take effect upon acceptance by trustees.

Notice to be sent to secretary of the Commonwealth.

said corporation to the secretary of the Commonwealth on or before the first day of August in the year eighteen hundred and eighty-seven. *Approved June 16, 1887.*

Chap. 442 AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-TWO OF THE PUBLIC STATUTES IN RELATION TO THE EXAMINATION AND ARREST OF POOR DEBTORS.

Be it enacted, etc., as follows :

Magistrate to make examination before granting authority to arrest. P. S. 162, §§ 17, 18.

SECTION 1. A magistrate to whom application is made for a certificate authorizing arrest upon either of the charges specified in section seventeen of chapter one hundred and sixty-two of the Public Statutes, numbered second, third, fourth, fifth and sixth as therein provided, shall, before granting the same, issue notice to the debtor to appear at a time and place fixed, and submit to an examination touching said charges, such notice to be served in the manner now provided in section eighteen of chapter one hundred and sixty-two of the Public Statutes.

Examination, arrest, etc.

SECTION 2. If the debtor appears, as directed by the magistrate, he shall be examined as provided in section twenty of chapter one hundred and sixty-two of the Public Statutes, and the magistrate shall not grant a certificate authorizing an arrest, unless the creditor proves to his satisfaction that the charges, or some one of them are true.

Debtor arrested on mesne process not to be defaulted if magistrate is absent, etc.

SECTION 3. A debtor arrested on mesne process or execution shall not at any appointed hearing suffer default by reason of the absence or disability of the magistrate if, within three days thereafter, such debtor shall provide for a continuance of the hearing by issuing a new notice to the creditor, to be served as provided in section thirty-two of chapter one hundred and sixty-two of the Public Statutes.

Powers of magistrate.

SECTION 4. The magistrate shall have all the powers with respect to the examination and the incidents thereto, which are now provided by law, in relation to such examinations.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT TO REQUIRE AND REGULATE THE USE OF SELF-REGISTERING AND CANCELLING BALLOT-BOXES IN TAKING THE VOTE UPON THE QUESTION OF GRANTING LIQUOR LICENSES.

Chap. 443

Be it enacted, etc., as follows:

SECTION 1. In taking the vote at the time of the annual municipal election or town meeting upon the question of granting licenses for the sale of intoxicating liquors, a ballot-box shall be used at each polling precinct or place of meeting or voting in each city and town, which shall be provided with sufficient and secure locks and keys or seal fastenings, and which shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any number or mark upon any ballot by which said ballots can be distinguished from each other. Said boxes either shall have been or shall be approved by the secretary, treasurer and auditor of the Commonwealth or a majority of them, and shall be supplied at a cost not exceeding forty dollars each, by the secretary of the Commonwealth, to any city or town ordering the same within two months from the date of the passage of this act. The secretary of the Commonwealth shall forward to the clerk of each city and town a copy of this act immediately upon its passage.

Self-registering and cancelling ballot-boxes to be used in taking vote upon question of granting liquor licenses.

SECTION 2. All ballots upon said question cast at any such election or meeting shall be deposited in such boxes, and no ballots shall be counted in ascertaining the result of such vote, unless so deposited and cancelled, or deposited in accordance with the following section.

Ballots not to be counted unless so deposited and cancelled, except, etc.

SECTION 3. If for any cause it shall become impossible in taking the vote upon said question to make use of the ballot-boxes herein required, the balloting shall proceed as the presiding officers in said polling precinct or place of meeting or voting shall direct: and the clerk shall make a record of the facts pertaining thereto and return an attested copy of his record thereof in an envelope, which shall also contain the ballots returned, as having been cast upon said question.

If impossible to use such ballot boxes, balloting to proceed, etc.

SECTION 4. The provisions of sections fourteen to seventeen, inclusive, of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four shall apply to the ballot-boxes hereby provided for.

Provisions of 1884, §§ 14-17 to apply.

Provisions relating to fraudulent voting to apply.

SECTION 5. All existing provisions of law to prevent fraudulent voting, and the penalties therefor shall apply to the taking of the vote upon the license question.

SECTION 6. This act shall take effect upon its passage.

Approved June 16, 1887.

Chap. 444 AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO BUILD A STREET THROUGH THE LANDS OF THE COMMONWEALTH AT THE STATE LUNATIC HOSPITAL AT WORCESTER

Be it enacted, etc., as follows:

City may build street through lands of the Commonwealth in Worcester.

SECTION 1. The provisions of section fifteen, chapter fifty-four of the Public Statutes, shall not be construed to prevent the laying out and construction of the street provided for in chapter two hundred and fifty-one of the acts of the year eighteen hundred and seventy-two; but said street may be constructed in pursuance of said act and according to the provisions of section two of this act.

To build fences and maintain means for disposal of hospital sewage.

SECTION 2. The city of Worcester shall construct and maintain at its own expense suitable fences separating said road from the lands belonging to the Worcester lunatic hospital, and shall also construct such passages as shall be desired by the trustees of said hospital to connect the lands of the hospital which may lie on opposite sides of said road. And the city of Worcester shall also furnish and maintain for said hospital, when so directed by the governor and council in any year, a sufficient and adequate means for the disposal of the hospital sewage; and the governor and council shall decide whether such means are adequate, and whether the fences and passages required in this act are suitable and properly established.

Street not to be opened until governor, etc., shall have consented thereto.

SECTION 3. No street or other public way shall be opened for public use by the city of Worcester across any lands belonging to the Commonwealth in pursuance of this act or otherwise, until the governor and council shall have consented thereto, after being fully satisfied that the provisions of this act have been complied with.

SECTION 4. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT CONCERNING PICNICS AND OTHER LAWFUL GATHERINGS IN
 LICENSED GROVES. Chap.445

Be it enacted, etc., as follows :

SECTION 1. Whoever, during the time of holding a picnic or other lawful gathering in any grove licensed in accordance with the provisions of chapter three hundred and nine of the acts of the year eighteen hundred and eighty-five, and within one-half mile of said licensed grove, hawks or peddles goods, wares or merchandise, or establishes or maintains a tent, booth, vehicle or building for vending provisions or refreshments, without the consent of the person or persons to whom is granted a license for such grove, or engages in gaming or horse-racing, or exhibits or offers to exhibit any show or play, shall forfeit for each offence a sum not exceeding twenty dollars.

Peddling, gaming, etc., within one-half mile of licensed groves, prohibited under penalty.

SECTION 2. The provisions of this act shall not apply to any person having his residence or regular place of business within one-half mile of such licensed grove.

Not to apply to person having residence, etc., within one-half mile.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT CONCERNING THE ADMISSION OF CHILDREN UNDER THIRTEEN YEARS TO CERTAIN SHOWS AND PLACES OF AMUSEMENT. Chap.446

Be it enacted, etc., as follows :

SECTION 1. Whoever, by himself or his servant or agent, admits any child under the age of thirteen years to any licensed public show or place of amusement, unless said child is accompanied by some person above the age of twenty-one years, shall, on complaint of a parent or guardian of said child, or of the chief of police or a truant officer of the city or town where said child is so admitted, be punished by fine not exceeding one hundred dollars; but this shall not apply to shows and amusements which take place before sunset.

Children under thirteen years not to be admitted to licensed shows unless accompanied by an adult.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT RELATING TO THE LABOR OF THE PRISONERS IN THE STATE PRISON, REFORMATORIES AND HOUSES OF CORRECTION. Chap.447

Be it enacted, etc., as follows :

SECTION 1. No contract shall hereafter be made for the labor of prisoners confined in the state prison, re-

Contracts not to be made for labor of prison-

ers in state
prison, etc.

formatories or any of the houses of correction; but such prisoners shall be employed by the warden, superintendent or master of said prison, reformatory or house of correction, under rules and regulations to be established by the general superintendent of prisons, in such industries as shall from time to time be fixed upon by said warden, superintendent or master and the general superintendent. The warden, superintendent or master, under the direction of said general superintendent, shall purchase such tools and implements as he and they shall consider necessary for carrying on said industries.

Employment of
instructors.

SECTION 2. The warden, superintendent or master may employ such number of persons as he and said general superintendent shall consider necessary to superintend and instruct said prisoners in said industries. Such superintendents and instructors shall have the same authority in relation to the prisoners which is possessed by the subordinate officers of said prison, reformatory or house of correction. The compensation of said superintendents and instructors shall be fixed by the warden, superintendent or master, with the approval of the said general superintendent. They shall be appointed and may be removed by the warden, superintendent or master, with the approval of the said general superintendent.

Tools, imple-
ments and
materials used
in state prison
and reforma-
tories to be paid
for by the state.

SECTION 3. The bills for tools, implements and materials purchased, together with the salaries of persons employed under this act in the state prison and reformatories, shall be paid monthly from the treasury of the Commonwealth upon schedules prepared and sworn to by the warden or superintendent and approved by the general superintendent of prisons. The schedules of bills for materials and salaries shall be separate from those for tools and implements, and both such schedules shall be separate from the schedules of bills incurred for the maintenance of the prison or reformatory.

Tools, imple-
ments, etc.,
used in house
of correction to
be paid by the
county.

SECTION 4. The bills for tools, implements and materials purchased, together with the salaries of persons employed under this act in the houses of correction, shall be paid monthly from the county treasury upon schedules prepared and sworn to by the master and approved by the general superintendent of prisons. The schedules of bills for materials and salaries shall be separate from those for tools and implements, and both such schedules shall

be separate from the schedules of bills incurred for the maintenance of the house of correction.

SECTION 5. No new machinery to be propelled by other than hand or foot power shall be used in any such institution. New machinery and motive power.

SECTION 6. The governor shall appoint, by and with the advice and consent of the council, as soon after the passage of this act as may be, a suitable and discreet person, who shall be known and designated as the general superintendent of prisons. He shall hold and continue in office at the discretion of the governor, and receive such compensation as may be determined by the governor and council. General superintendent of prisons to be appointed.

SECTION 7. It shall be the duty of the general superintendent aforesaid to establish and maintain in the state prison, reformatories and the houses of correction in the Commonwealth, such industries as may, from time to time, be determined upon by him and the warden, superintendent or master. Duties of superintendent.

SECTION 8. The number of prisoners employed in a single industry at the same time in any institution, shall not exceed one-twentieth of the number of persons employed in such industry in the state, according to the classification given in the last census preceding such employment, unless such number is necessary to produce materials to be supplied in state and county institutions as provided in section thirteen hereof: *provided, however,* that county institutions now doing business on public account may continue such industries as are now maintained therein, but not more than two hundred and fifty prisoners shall be employed in any one industry at the same time. Number of prisoners employed in a single industry limited.

SECTION 9. The general superintendent or the warden or master under his supervision shall purchase the materials to be used in manufacturing as aforesaid, and sell such manufactured goods as shall be produced in the prison, reformatory or house of correction. All moneys received for such sales to be paid by the purchasers to the respective institutions from which the goods are delivered. Proviso.

SECTION 10. The warden and superintendent shall pay into the treasury of the Commonwealth, whenever he shall have in his possession as great a sum as ten thousand dollars, and in all cases as often as once in each month, all moneys received under the provisions of this act. Purchase of materials and sale of manufactured goods.

Payments into the state treasury.

Payments to
county treas-
urers.

SECTION 11. The master of any house of correction shall pay into the treasury of the county, whenever he shall have in his possession as great a sum as five thousand dollars, and in all cases as often as once in each month, all moneys received under the provisions of this act.

Warden, etc.,
may sue and be
sued.

SECTION 12. The warden, superintendent or master or their successors, may sue upon any sale or be sued upon any purchase made under the provisions of this act. No such suit shall abate by reason of the office of the warden, superintendent or master becoming vacant; but any successor of the warden, superintendent or master, pending such suit, shall take upon himself the prosecution or defence thereof, and upon motion of the adverse party and notice he shall be required to do so. When a controversy arises respecting any purchase or sale made under this act, or a suit is pending thereon, the warden, superintendent or master may submit the same to the final determination of arbitrators or referees, to be approved by the governor.

Differences may
be referred to
arbitrators or
referees.

Articles in com-
mon use in
prisons, etc., to
be manufac-
tured.

SECTION 13. The general superintendent shall, as far as may be, have manufactured in the state prison, reformatories and houses of correction such articles as are in common use in the several state and county institutions. He shall, from time to time, notify the officers of such institutions, having charge of the purchase of supplies, of such goods as he has remaining in hand, and said officers shall, as far as may be, purchase of said articles as are necessary to the maintenance of the institutions which they may represent. The articles manufactured in said prison, reformatory or house of correction shall be sold at the wholesale market price of goods of like kind and grade.

General super-
intendent to
make annual
report.

SECTION 14. The general superintendent of prisons shall make an annual report in December, in which he shall state what industries have been carried on in said prison, reformatory or house of correction during the year, the number of prisoners employed in each, giving the highest and lowest number at any one time, the kind and quantity of goods manufactured, the amount thereof sold to such institutions and otherwise, and the prices received therefor.

To give bond.

SECTION 15. The general superintendent shall before entering upon the duties of his office give bond, with satisfactory sureties, in such sum as shall be fixed by the governor and council.

SECTION 16. Any existing contract for the labor of the prisoners in said prison, reformatory or house of correction, which, by the terms thereof, may be terminated by the warden, superintendent or county commissioners, upon notice, shall be terminated by the warden, superintendent or county commissioners, by giving, within ninety days after the confirmation of said general superintendent, the notice provided for in such contract.

Contracts to be terminated where terms thereof permit.

SECTION 17. This act shall take effect on the first day of November next.

To take effect November 1, 1887.

Approved June 16, 1887.

AN ACT TO PROVIDE FOR THE REMOVAL OF CERTAIN OBSTRUCTIONS IN GAMBLING RESORTS.

Chap. 448

Be it enacted, etc., as follows:

SECTION 1. When any officer empowered to serve criminal process finds that access to any common gaming house, or any building, apartment, or place, which he has reasonable cause to believe is resorted to for the purpose of unlawful gaming, is barred by any obstruction other than what is usual in ordinary places of business, such as a door, window, shutter, screen, bar, or grating, of unusual strength, he shall at once notify the inspector of buildings, or other public officer or officers who may have charge of the construction of buildings in his city, or town, of the existence of such obstruction. And said inspector or other officer, or officers, shall inspect such obstruction, and, if deemed by such officer or officers to be unnecessary for the protection of the lawful business done on such premises, or to have been built and used for the purpose of resisting or delaying the rightful entrance of the officers of the law, he or they shall order the same to be removed by the owner, lessee, or person having control of the building in which such obstruction exists: and in case such officer or officers cannot find either of the persons mentioned so as to make personal service, said notice shall be posted upon the outside of said building, and in case of the neglect to remove such obstruction for the space of seven days from the date of said order, or posting of said notice, then the inspector, or other officer, or officers, shall cause such obstruction to be removed from such building, and the expense of such removal shall be a lien on said building and be collected by the inspector or other officer removing such obstruction in the same way as a mechanic's lien is now collected.

If entrance to gambling house is obstructed, inspector of buildings to be notified.

Obstruction may be removed by inspector if owner or occupant neglects after notice.

Amendment to
P. S. 99, § 10.

SECTION 2. Section ten of chapter ninety-nine of the Public Statutes is hereby amended so as to read as follows:— *Section 10.* If a person makes oath before a trial justice, or police, district or municipal court, that he suspects or has probable cause to suspect that a house or other building is unlawfully used as and for a common gaming house, for the purpose of gaming for money or other property, and that idle and dissolute persons, or other persons, resort to the same for that purpose, such trial justice or court, whether the names of the persons last mentioned are known to the complainant or not, shall, in case satisfactory evidence is presented, issue a warrant commanding the sheriff or his deputy, or any constable or police officer to enter into such house or building and there to arrest all persons who are there found playing for money or otherwise, and all persons who are found present at any game or sport there played for money or other thing of value, and also the keepers of the same and all persons present, whether engaged in playing or not, if the implements of gaming are found in said place, and to take into their custody all the implements of gaming as aforesaid, and all the personal property, furniture and fixtures there found, and to keep said persons, implements, property, furniture and fixtures so that they may be forthcoming before some court or magistrate, to be dealt with according to law, and whoever is found so playing or so present shall forfeit for every such offence a sum not exceeding fifty dollars.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1887.

Chap. 449

AN ACT TO PREVENT FRAUD IN THE SALE OF LARD.

Be it enacted, etc., as follows:

Sale of lard
regulated.

SECTION 1. No manufacturer or other person shall sell, deliver, prepare, put up, expose or offer for sale any lard, or any article intended for use as lard, which contains any ingredient but the pure fat of swine, in any tierce, bucket, pail or other vessel or wrapper, or under any label, bearing the words “pure,” “refined,” “family,” or either of them, alone or in combination with other words, nor unless every vessel, wrapper or label, in or under which such article is sold or delivered, or prepared, put up or exposed for sale, bears on the top or outer side

thereof, in letters not less than one-half inch in length and plainly exposed to view, the words: — Compound Lard.

SECTION 2. Any person who violates any provision hereof shall be punished by fine not exceeding fifty dollars for the first or one hundred dollars for any subsequent offence. Penalty.

SECTION 3. This act shall take effect on the first day of October next. To take effect
October 1, 1887.

Approved June 16, 1887.

AN ACT TO AMEND AN ACT TO PROVIDE A FURTHER SUPPLY OF
WATER FOR THE CITY OF MALDEN. *Chap.450*

Be it enacted, etc., as follows:

SECTION 1. Section twelve of chapter four hundred and sixteen of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting after the word “fine” the words: — not exceeding three hundred dollars, or by imprisonment, — so that said section as amended shall read: — *Section 12.* Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding one year in the house of correction in said county of Middlesex. Water supply
for Malden.
Amendment to
1887, 416, § 12.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1887.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION
TWO HUNDRED AND FIFTY THOUSAND DOLLARS. *Chap.451*

Be it enacted, etc., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say: — State tax of
\$2,250,000.

Barnstable
County.

BARNSTABLE COUNTY.

Barnstable, . . .	Thirty-eight hundred ninety-two dollars and fifty cents, . . .	\$3,892 50
Bourne, . . .	Eleven hundred ninety two dollars and fifty cents, . . .	1,192 50
Brewster, . . .	Seven hundred forty-two dollars and fifty cents, . . .	742 50
Chatham, . . .	Nine hundred and ninety dollars, .	990 00
Dennis, . . .	Seventeen hundred seventy-seven dollars and fifty cents, . . .	1,777 50
Eastham, . . .	Three hundred and fifteen dollars, .	315 00
Falmouth, . . .	Forty-nine hundred and five dollars, .	4,905 00
Harwich, . . .	Thirteen hundred and ninety-five dollars, . . .	1,395 00
Mashpee, . . .	One hundred fifty-seven dollars and fifty cents, . . .	157 50
Orleans, . . .	Seven hundred forty-two dollars and fifty cents, . . .	742 50
Provincetown, . . .	Twenty-seven hundred and forty-five dollars, . . .	2,745 00
Sandwich, . . .	Twelve hundred eighty-two dollars and fifty cents, . . .	1,282 50
Truro, . . .	Three hundred eighty-two dollars and fifty cents, . . .	382 50
Wellfleet, . . .	Eleven hundred ninety-two dollars and fifty cents, . . .	1,192 50
Yarmouth, . . .	Two thousand two dollars and fifty cents, . . .	2,002 50
		\$23,715 00

Berkshire
County.

BERKSHIRE COUNTY.

Adams, . . .	Forty-four hundred seventy-seven dollars and fifty cents, . . .	\$4,477 50
Alford, . . .	Three hundred and fifteen dollars, .	315 00
Becket, . . .	Four hundred and ninety-five dollars, . . .	495 00
Cheshire, . . .	Nine hundred twenty-two dollars and fifty cents, . . .	922 50
Clarksburg, . . .	Two hundred forty-seven dollars and fifty cents, . . .	247 50
Dalton, . . .	Two thousand forty-seven dollars and fifty cents, . . .	2,047 50
Egremont, . . .	Five hundred and forty dollars, . .	540 00
Florida, . . .	Two hundred and twenty-five dollars, . . .	225 00

BERKSHIRE COUNTY — CONCLUDED.

Berkshire
County.

Great Barrington,	Thirty-six hundred and ninety dollars,	\$3,690 00
Hancock, . . .	Five hundred seventeen dollars and fifty cents,	517 50
Hinsdale, . . .	Nine hundred and forty-five dollars,	945 00
Lanesborough, .	Six hundred ninety-seven dollars and fifty cents,	697 50
Lee,	Twenty-five hundred and sixty-five dollars,	2,565 00
Lenox,	Nineteen hundred and eighty dollars,	1,980 00
Monterey, . . .	Two hundred ninety-two dollars and fifty cents,	292 50
Mt. Washington,	One hundred and thirty-five dollars,	135 00
New Ashford, . .	Ninety dollars,	90 00
New Marlboro', .	Eight hundred and ten dollars,	810 00
North Adams, . .	Sixty-five hundred forty-seven dollars and fifty cents,	6,547 50
Otis,	Two hundred and seventy dollars,	270 00
Peru,	One hundred fifty-seven dollars and fifty cents,	157 50
Pittsfield, . . .	Eleven thousand two hundred and five dollars,	11,205 00
Richmond, . . .	Six hundred seven dollars and fifty cents,	607 50
Sandisfield, . . .	Four hundred and ninety-five dollars,	495 00
Savoy,	Two hundred forty-seven dollars and fifty cents,	247 50
Sheffield,	Eleven hundred and seventy dollars,	1,170 00
Stockbridge, . . .	Thirty-three hundred seven dollars and fifty cents,	3,307 50
Tyringham, . . .	Two hundred ninety-two dollars and fifty cents,	292 50
Washington, . . .	Two hundred forty-seven dollars and fifty cents,	247 50
W. Stockbridge,	Nine hundred twenty-two dollars and fifty cents,	922 50
Williamstown, . .	Twenty-one hundred thirty-seven dollars and fifty cents,	2,137 50
Windsor,	Two hundred and seventy dollars,	270 00
		<hr/>
		\$48,870 00

Bristol County.

BRISTOL COUNTY.

Aeushnet, . . .	Eight hundred and fifty-five dollars,	\$855 00
Attleborough, . . .	Seventy-six hundred and fifty dollars,	7,650 00
Berkley, . . .	Five hundred sixty-two dollars and fifty cents,	562 50
Dartmouth, . . .	Twenty-seven hundred and forty-five dollars,	2,745 00
Dighton, . . .	Ten hundred twelve dollars and fifty cents,	1,012 50
Easton, . . .	Forty-nine hundred and fifty dollars,	4,950 00
Fairhaven, . . .	Two thousand and twenty-five dollars,	2,025 00
Fall River, . . .	Fifty-two thousand nine hundred forty-two dollars and fifty cents,	52,942 50
Freetown, . . .	Eleven hundred ninety-two dollars and fifty cents,	1,192 50
Mansfield, . . .	Fourteen hundred and eighty-five dollars,	1,485 00
New Bedford, . . .	Forty thousand five hundred twenty-two dollars and fifty cents,	40,522 50
Norton, . . .	Ten hundred twelve dollars and fifty cents,	1,012 50
Raynham, . . .	Twelve hundred and sixty dollars,	1,260 00
Rehoboth, . . .	Nine hundred twenty-two dollars and fifty cents,	922 50
Seekonk, . . .	Eight hundred seventy-seven dollars and fifty cents,	877 50
Somerset, . . .	Fifteen hundred and seventy-five dollars,	1,575 00
Swansey, . . .	Nine hundred sixty-seven dollars and fifty cents,	967 50
Taunton, . . .	Twenty thousand nine hundred forty-seven dollars and fifty cents,	20,947 50
Westport, . . .	Eighteen hundred dollars,	1,800 00
		\$145,305 00

Dukes County.

DUKES COUNTY.

Chilmark, . . .	Two hundred ninety-two dollars and fifty cents,	\$292 50
Cottage City, . . .	Fifteen hundred fifty-two dollars and fifty cents,	1,552 50
Edgartown, . . .	Nine hundred and ninety dollars,	990 00
Gay Head, . . .	Twenty-two dollars and fifty cents,	22 50

DUKES COUNTY — CONCLUDED.

Dukes County.

Gosnold,	Two hundred two dollars and fifty cents,	\$202 50
Tisbury,	Nine hundred and forty-five dollars,	945 00
		\$4,005 00

ESSEX COUNTY.

Essex County.

Amesbury,	Twenty-three hundred and forty dollars,	\$2,340 00
Andover,	Sixty-two hundred seventy-seven dollars and fifty cents,	6,277 50
Beverly,	Thirteen thousand six hundred and eighty dollars,	13,680 00
Boxford,	Seven hundred eighty-seven dollars and fifty cents,	787 50
Bradford,	Nineteen hundred fifty-seven dollars and fifty cents,	1,957 50
Danvers,	Forty-five hundred and ninety dollars,	4,590 00
Essex,	Eleven hundred and twenty-five dollars,	1,125 00
Georgetown,	Thirteen hundred twenty-seven dollars and fifty cents,	1,327 50
Gloucester,	Fifteen thousand four hundred and eighty dollars,	15,480 00
Groveland,	Eleven hundred and twenty-five dollars,	1,125 00
Hamilton,	Seven hundred eighty-seven dollars and fifty cents,	787 50
Haverhill,	Eighteen thousand and ninety dollars,	18,090 00
Ipswich,	Twenty-six hundred seventy-seven dollars and fifty cents,	2,677 50
Lawrence,	Thirty-two thousand nine hundred and eighty-five dollars,	32,985 00
Lynn,	Thirty-five thousand three hundred forty-seven dollars and fifty cents,	35,347 50
Lynnfield,	Six hundred and seventy-five dollars,	675 00
Manchester,	Fifty-nine hundred and forty dollars,	5,940 00
Marblehead,	Fifty-five hundred and eighty dollars,	5,580 00
Merrimac,	Fifteen hundred seven dollars and fifty cents,	1,507 50
Methuen,	Thirty-five hundred and fifty-five dollars,	3,555 00
Middleton,	Six hundred fifty-two dollars and fifty cents,	652 50

Essex County.

ESSEX COUNTY — CONCLUDED.

Nahant, . . .	Seven thousand and twenty dollars,	\$7,020 00
Newbury, . . .	Thirteen hundred twenty-seven dol- lars and fifty cents,	1,327 50
Newburyport, . . .	Ten thousand two hundred eighty- two dollars and fifty cents,	10,282 50
North Andover, . . .	Thirty-two hundred and eighty-five dollars,	3,285 00
Peabody, . . .	Eighty-six hundred seventeen dol- lars and fifty cents,	8,617 50
Rockport, . . .	Twenty-five hundred eighty-seven dollars and fifty cents,	2,587 50
Rowley, . . .	Seven hundred and twenty dollars,	720 00
Salem, . . .	Thirty-one thousand nine hundred seventy-two dollars and fifty cents,	31,972 50
Salisbury, . . .	Three thousand and sixty dollars, .	3,060 00
Saugus, . . .	Nineteen hundred and thirty-five dollars,	1,935 00
Swampscott, . . .	Forty-four hundred thirty-two dol- lars and fifty cents,	4,432 50
Topsfield, . . .	Nine hundred dollars,	900 00
Wenham, . . .	Six hundred fifty-two dollars and fifty cents,	652 50
West Newbury, . . .	Thirteen hundred and fifty dollars,	1,350 00
		<hr/>
		\$234,630 00

Franklin
County.

FRANKLIN COUNTY.

Ashfield, . . .	Five hundred and eighty-five dol- lars,	\$585 00
Bernardston, . . .	Five hundred and eighty-five dol- lars,	585 00
Buckland, . . .	Six hundred and seventy-five dol- lars,	675 00
Charlemont, . . .	Four hundred and fifty dollars, . .	450 00
Colrain, . . .	Seven hundred forty-two dollars and fifty cents,	742 50
Conway, . . .	Nine hundred twenty-two dollars and fifty cents,	922 50
Deerfield, . . .	Fifteen hundred ninety-seven dol- lars and fifty cents,	1,597 50
Erving, . . .	Four hundred twenty-seven dollars and fifty cents,	427 50
Gill, . . .	Five hundred sixty-two dollars and fifty cents,	562 50

FRANKLIN COUNTY — CONCLUDED.

Franklin
County.

Greenfield, . . .	Forty-five hundred dollars, . . .	\$4,500 00
Hawley, . . .	Two hundred two dollars and fifty cents, . . .	202 50
Heath, . . .	Two hundred and twenty-five dollars, . . .	225 00
Leverett, . . .	Three hundred eighty-two dollars and fifty cents, . . .	382 50
Leyden, . . .	Two hundred forty-seven dollars and fifty cents, . . .	247 50
Monroe, . . .	Sixty-seven dollars and fifty cents, . . .	67 50
Montague, . . .	Thirty-six hundred and forty-five dollars, . . .	3,645 00
New Salem, . . .	Three hundred eighty-two dollars and fifty cents, . . .	382 50
Northfield, . . .	Nine hundred dollars, . . .	900 00
Orange, . . .	Twenty-six hundred thirty-two dollars and fifty cents, . . .	2,632 50
Rowe, . . .	Two hundred forty-seven dollars and fifty cents, . . .	247 50
Shelburne, . . .	Ten hundred and eighty dollars, . . .	1,080 00
Shutesbury, . . .	Two hundred two dollars and fifty cents, . . .	202 50
Sunderland, . . .	Five hundred and forty dollars, . . .	540 00
Warwick, . . .	Three hundred and sixty dollars, . . .	360 00
Wendell, . . .	Two hundred forty-seven dollars and fifty cents, . . .	247 50
Whately, . . .	Six hundred seven dollars and fifty cents, . . .	607 50
		<hr/> \$23,017 50

HAMPDEN COUNTY.

Hampden
County.

Agawam, . . .	Fifteen hundred ninety-seven dollars and fifty cents, . . .	\$1,597 50
Blandford, . . .	Four hundred and fifty dollars, . . .	450 00
Brimfield, . . .	Six hundred fifty-two dollars and fifty cents, . . .	652 50
Chester, . . .	Six hundred fifty-two dollars and fifty cents, . . .	652 50
Chicopee, . . .	Seventy-two hundred twenty-two dollars and fifty cents, . . .	7,222 50

Hampden
County.

HAMPDEN COUNTY — CONCLUDED.

Granville, . . .	Four hundred seventy-two dollars and fifty cents,	\$472 50
Hampden, . . .	Five hundred seventeen dollars and fifty cents,	517 50
Holland, . . .	One hundred and thirty-five dollars,	135 00
Holyoke, . . .	Twenty thousand three hundred sixty-two dollars and fifty cents,	20,362 50
Longmeadow, . . .	Fourteen hundred and forty dollars,	1,440 00
Ludlow, . . .	Nine hundred and forty-five dollars,	945 00
Monson, . . .	Twenty hundred and twenty-five dollars,	2,025 00
Montgomery, . . .	One hundred fifty-seven dollars and fifty cents,	157 50
Palmer, . . .	Thirty-two hundred and forty dollars,	3,240 00
Russell, . . .	Five hundred sixty-two dollars and fifty cents,	562 50
Southwick, . . .	Seven hundred and twenty dollars,	720 00
Springfield, . . .	Forty-seven thousand five hundred forty-two dollars and fifty cents,	47,542 50
Tolland, . . .	Two hundred and twenty-five dollars,	225 00
Wales, . . .	Three hundred eighty-two dollars and fifty cents,	382 50
West Springfield, . . .	Four thousand and five dollars,	4,005 00
Westfield, . . .	Eight thousand seventy-seven dollars and fifty cents,	8,077 50
Wilbraham, . . .	Nine hundred dollars,	900 00
		<hr/> \$102,285 00

Hampshire
County.

HAMPSHIRE COUNTY.

Amherst, . . .	Thirty-four hundred forty-two dollars and fifty cents,	\$3,442 50
Belchertown, . . .	Eleven hundred forty-seven dollars and fifty cents,	1,147 50
Chesterfield, . . .	Three hundred eighty-two dollars and fifty cents,	382 50
Cummington, . . .	Four hundred and five dollars,	405 00
Easthampton, . . .	Three thousand and fifteen dollars,	3,015 00
Enfield, . . .	Eight hundred seventy-seven dollars and fifty cents,	877 50

HAMPSHIRE COUNTY — CONCLUDED.

Hampshire
County.

Goshen, . . .	One hundred and eighty dollars, . . .	\$180 00
Granby, . . .	Five hundred and eighty-five dol- lars,	585 00
Greenwich, . . .	Four hundred twenty-seven dollars and fifty cents,	427 50
Hadley, . . .	Fourteen hundred and forty dollars,	1,440 00
Hatfield, . . .	Twelve hundred and fifteen dollars,	1,215 00
Huntington, . . .	Six hundred seven dollars and fifty cents,	607 50
Middlefield, . . .	Four hundred and five dollars, . . .	405 00
Northampton, . . .	Ten thousand eight hundred twenty- two dollars and fifty cents,	10,822 50
Pelham, . . .	Two hundred and twenty-five dol- lars,	225 00
Plainfield, . . .	Two hundred two dollars and fifty cents,	202 50
Prescott, . . .	Two hundred and twenty-five dol- lars,	225 00
South Hadley, . . .	Twenty-two hundred and five dol- lars,	2,205 00
Southampton, . . .	Six hundred and thirty dollars, . . .	630 00
Ware, . . .	Thirty-eight hundred ninety-two dollars and fifty cents,	3,892 50
Westhampton, . . .	Three hundred thirty-seven dollars and fifty cents,	337 50
Williamsburg, . . .	Eleven hundred and seventy dol- lars,	1,170 00
Worthington, . . .	Four hundred and five dollars, . . .	405 00
		<hr/> \$34,245 00

MIDDLESEX COUNTY.

Middlesex
County.

Acton, . . .	Sixteen hundred and sixty-five dol- lars,	\$1,665 00
Arlington, . . .	Sixty hundred and thirty dollars, . . .	6,030 00
Ashby, . . .	Six hundred seven dollars and fifty cents,	607 50
Ashland, . . .	Sixteen hundred eighty-seven dol- lars and fifty cents,	1,687 50
Ayer, . . .	Fourteen hundred and eighty-five dollars,	1,485 00
Bedford, . . .	Ten hundred twelve dollars and fifty cents,	1,012 50

Middlesex
County.

MIDDLESEX COUNTY — CONTINUED.

Belmont, . . .	Thirty-nine hundred and sixty dollars,	\$3,960 00
Billerica, . . .	Twenty-one hundred and sixty dollars,	2,160 00
Boxborough, . . .	Three hundred and fifteen dollars,	315 00
Burlington, . . .	Five hundred and eighty-five dollars,	585 00
Cambridge, . . .	Seventy thousand one hundred and ten dollars,	70,110 00
Carlisle, . . .	Four hundred seventy-two dollars and fifty cents,	472 50
Chelmsford, . . .	Two thousand and seventy dollars.	2,070 00
Concord, . . .	Forty-two hundred and thirty dollars,	4,230 00
Dracut, . . .	Fourteen hundred sixty-two dollars and fifty cents,	1,462 50
Dunstable, . . .	Four hundred and five dollars,	405 00
Everett, . . .	Sixty-three hundred and ninety dollars,	6,390 00
Framingham, . . .	Seventy-eight hundred and seventy-five dollars,	7,875 00
Groton, . . .	Thirty-six hundred twenty-two dollars and fifty cents,	3,622 50
Holliston, . . .	Twenty-one hundred and sixty dollars,	2,160 00
Hopkinton, . . .	Twenty-seven hundred dollars,	2,700 00
Hudson, . . .	Twenty-six hundred and ten dollars,	2,610 00
Lexington, . . .	Thirty-five hundred thirty-two dollars and fifty cents,	3,532 50
Lincoln, . . .	Fifteen hundred seven dollars and fifty cents,	1,507 50
Littleton, . . .	Nine hundred and ninety dollars,	990 00
Lowell, . . .	Sixty-four thousand two hundred eighty-two dollars and fifty cents,	64,282 50
Malden, . . .	Sixteen thousand six hundred seventy-two dollars and fifty cents,	16,672 50
Marlborough, . . .	Fifty-six hundred two dollars and fifty cents,	5,602 50
Maynard, . . .	Twenty-four hundred seven dollars and fifty cents,	2,407 50
Medford, . . .	Ten thousand four hundred and forty dollars,	10,440 00
Melrose, . . .	Fifty-eight hundred and ninety-five dollars,	5,895 00
Natick, . . .	Sixty-two hundred and fifty-five dollars,	6,255 00

MIDDLESEX COUNTY — CONCLUDED.

Middlesex
County.

Newton, . . .	Thirty-seven thousand two hundred and sixty dollars,	\$37,260 00
North Reading, .	Six hundred seven dollars and fifty cents,	607 50
Pepperell, . . .	Eighteen hundred sixty-seven dollars and fifty cents,	1,867 50
Reading,	Twenty-nine hundred and twenty-five dollars,	2,925 00
Sherborn,	Ten hundred fifty-seven dollars and fifty cents,	1,057 50
Shirley,	Nine hundred dollars,	900 00
Somerville, . . .	Thirty thousand one hundred twenty-seven dollars and fifty cents,	30,127 50
Stoneham,	Thirty-nine hundred thirty-seven dollars and fifty cents,	3,937 50
Stow,	Twelve hundred and fifteen dollars,	1,215 00
Sudbury,	Thirteen hundred twenty-seven dollars and fifty cents,	1,327 50
Tewksbury, . . .	Sixteen hundred forty-two dollars and fifty cents,	1,642 50
Townsend,	Twelve hundred eighty-two dollars and fifty cents,	1,282 50
Tyngsborough, . .	Four hundred and fifty dollars,	450 00
Wakefield,	Forty-eight hundred eighty-two dollars and fifty cents,	4,882 50
Waltham,	Thirteen thousand seven hundred forty-seven dollars and fifty cents,	13,747 50
Watertown,	Eighty-two hundred twelve dollars and fifty cents,	8,212 50
Wayland,	Fifteen hundred and seventy-five dollars,	1,575 00
Westford,	Thirteen hundred seventy-two dollars and fifty cents,	1,372 50
Weston,	Twenty-eight hundred twelve dollars and fifty cents,	2,812 50
Wilmington, . . .	Six hundred ninety-seven dollars and fifty cents,	697 50
Winchester, . . .	Fifty-two hundred forty-two dollars and fifty cents,	5,242 50
Woburn,	Ninety-nine hundred dollars,	9,900 00
		\$374,242 50

NANTUCKET COUNTY.

Nantucket
County.

Nantucket,	Thirty-four hundred eighty-seven dollars and fifty cents,	\$3,487 50
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Norfolk County.

NORFOLK COUNTY.

Bellingham, . . .	Seven hundred and twenty dollars,	\$720 00
Braintree, . . .	Thirty-nine hundred thirty-seven dollars and fifty cents, . . .	3,937 50
Brookline, . . .	Thirty-nine thousand five hundred thirty-two dollars and fifty cents,	39,532 50
Canton, . . .	Forty-four hundred thirty-two dollars and fifty cents, . . .	4,432 50
Cohasset, . . .	Forty-one hundred and eighty-five dollars, . . .	4,185 00
Dedham, . . .	Sixty-seven hundred and fifty dollars, . . .	6,750 00
Dover, . . .	Nine hundred dollars, . . .	900 00
Foxborough, . . .	Eighteen hundred sixty-seven dollars and fifty cents, . . .	1,867 50
Franklin, . . .	Twenty-five hundred and twenty dollars, . . .	2,520 00
Holbrook, . . .	Seventeen hundred and fifty-five dollars, . . .	1,755 00
Hyde Park, . . .	Sixty-four hundred twelve dollars and fifty cents, . . .	6,412 50
Medfield, . . .	Thirteen hundred and ninety-five dollars, . . .	1,395 00
Medway, . . .	Seventeen hundred thirty-two dollars and fifty cents, . . .	1,732 50
Millis, . . .	Five hundred and forty dollars, . . .	540 00
Milton, . . .	Fifteen thousand seven hundred twenty-seven dollars and fifty cents, . . .	15,727 50
Needham, . . .	Twenty-three hundred and forty dollars, . . .	2,340 00
Norfolk, . . .	Four hundred and ninety-five dollars, . . .	495 00
Norwood, . . .	Twenty-five hundred forty-two dollars and fifty cents, . . .	2,542 50
Quincy, . . .	Ten thousand seven hundred seventy-seven dollars and fifty cents, . . .	10,777 50
Randolph, . . .	Twenty-nine hundred and twenty-five dollars, . . .	2,925 00
Sharon, . . .	Fourteen hundred and forty dollars, . . .	1,440 00
Stoughton, . . .	Twenty-nine hundred and seventy dollars, . . .	2,970 00
Walpole, . . .	Nineteen hundred and eighty dollars, . . .	1,980 00
Wellesley, . . .	Fifty-five hundred and eighty dollars, . . .	5,580 00
Weymouth, . . .	Seventy-four hundred and seventy dollars, . . .	7,470 00
Wrentham, . . .	Seventeen hundred and ten dollars,	1,710 00
		\$132,637 50

PLYMOUTH COUNTY.

Plymouth
County.

Abington, . . .	Twenty-four hundred and seventy-five dollars,	\$2,475 00
Bridgewater, . . .	Twenty-nine hundred and seventy dollars,	2,970 00
Brockton, . . .	Fifteen thousand eight hundred and eighty-five dollars,	15,885 00
Carver, . . .	Eight hundred and ten dollars,	810 00
Duxbury, . . .	Sixteen hundred eighty seven dollars and fifty cents,	1,687 50
E. Bridgewater, . . .	Nineteen hundred fifty-seven dollars and fifty cents,	1,957 50
Halifax, . . .	Three hundred and fifteen dollars,	315 00
Hanover, . . .	Fifteen hundred and thirty dollars,	1,530 00
Hanson, . . .	Seven hundred and sixty-five dollars,	765 00
Hingham, . . .	Forty-four hundred and fifty-five dollars,	4,455 00
Hull, . . .	Twenty-four hundred fifty-two dollars and fifty cents,	2,452 50
Kingston, . . .	Twenty-four hundred seven dollars and fifty cents,	2,407 50
Lakeville, . . .	Six hundred and thirty dollars,	630 00
Marion, . . .	Eleven hundred forty-seven dollars and fifty cents,	1,147 50
Marshfield, . . .	Thirteen hundred and ninety-five dollars,	1,395 00
Mattapoisett, . . .	Eighteen hundred twenty-two dollars and fifty cents,	1,822 50
Middleborough, . . .	Thirty-seven hundred twelve dollars and fifty cents,	3,712 50
Pembroke, . . .	Eight hundred and ten dollars,	810 00
Plymouth, . . .	Sixty-one hundred and sixty-five dollars,	6,165 00
Plympton, . . .	Three hundred and sixty dollars,	360 00
Rochester, . . .	Five hundred and eighty-five dollars,	585 00
Rockland, . . .	Thirty hundred and fifteen dollars,	3,015 00
Scituate, . . .	Eighteen hundred twenty-two dollars and fifty cents,	1,822 50
South Scituate, . . .	Thirteen hundred seventy-two dollars and fifty cents,	1,372 50
Wareham, . . .	Nineteen hundred and thirty-five dollars,	1,935 00
W. Bridgewater, . . .	Twelve hundred thirty-seven dollars and fifty cents,	1,237 50
Whitman, . . .	Thirty-three hundred fifty-two dollars and fifty cents,	3,352 50
		\$67,072 50

Suffolk County.

SUFFOLK COUNTY.

Boston, . . .	Eight hundred thirty-three thousand eight hundred and five dollars, . . .	\$833,805 00
Chelsea, . . .	Twenty-two thousand and five hundred dollars, . . .	22,500 00
Revere, . . .	Forty hundred and fifty dollars, . . .	4,050 00
Winthrop, . . .	Twenty-five hundred eighty-seven dollars and fifty cents, . . .	2,587 50
		<hr/> \$862,942 50

Worcester County.

WORCESTER COUNTY.

Ashburnham, . . .	Twelve hundred and fifteen dollars, . . .	\$1,215 00
Athol, . . .	Thirty-two hundred seventeen dollars and fifty cents, . . .	3,217 50
Auburn, . . .	Six hundred and thirty dollars, . . .	630 00
Barre, . . .	Seventeen hundred and fifty-five dollars, . . .	1,755 00
Berlin, . . .	Six hundred seven dollars and fifty cents, . . .	607 50
Blackstone, . . .	Twenty-nine hundred and twenty-five dollars, . . .	2,925 00
Bolton, . . .	Six hundred and thirty dollars, . . .	630 00
Boylston, . . .	Six hundred seven dollars and fifty cents, . . .	607 50
Brookfield, . . .	Sixteen hundred forty-two dollars and fifty cents, . . .	1,642 50
Charlton, . . .	Twelve hundred and fifteen dollars, . . .	1,215 00
Clinton, . . .	Sixty-three hundred and ninety dollars, . . .	6,390 00
Dana, . . .	Three hundred eighty-two dollars and fifty cents, . . .	382 50
Douglas, . . .	Twelve hundred eighty-two dollars and fifty cents, . . .	1,282 50
Dudley, . . .	Eleven hundred ninety-two dollars and fifty cents, . . .	1,192 50
Fitchburg, . . .	Fifteen thousand five hundred and seventy dollars, . . .	15,570 00
Gardner, . . .	Forty-three hundred and twenty dollars, . . .	4,320 00
Grafton, . . .	Twenty-nine hundred two dollars and fifty cents, . . .	2,902 50
Hardwick, . . .	Sixteen hundred eighty-seven dollars and fifty cents, . . .	1,687 50
Harvard, . . .	Twelve hundred eighty-two dollars and fifty cents, . . .	1,282 50

WORCESTER COUNTY — CONTINUED.

Worcester
County.

Holden, . . .	Twelve hundred and sixty dollars,	\$1,260 00
Hubbardston, . . .	Nine hundred twenty-two dollars and fifty cents,	922 50
Lancaster, . . .	Thirty-three hundred and thirty dol- lars,	3,330 00
Leicester, . . .	Twenty-four hundred and thirty dol- lars,	2,430 00
Leominster, . . .	Forty-eight hundred eighty-two dol- lars and fifty cents,	4,882 50
Lunenburg, . . .	Eight hundred and fifty-five dollars,	855 00
Mendon, . . .	Seven hundred forty-two dollars and fifty cents,	742 50
Milford, . . .	Sixty-nine hundred fifty-two dol- lars and fifty cents,	6,952 50
Millbury, . . .	Twenty-seven hundred dollars, . . .	2,700 00
New Braintree, . . .	Five hundred seventeen dollars and fifty cents,	517 50
Northborough, . . .	Fourteen hundred and forty dollars,	1,440 00
Northbridge, . . .	Thirty-five hundred and fifty-five dollars,	3,555 00
North Brookfield, . . .	Twenty-four hundred seven dollars and fifty cents,	2,407 50
Oakham, . . .	Four hundred twenty-seven dollars and fifty cents,	427 50
Oxford, . . .	Seventeen hundred and ten dollars,	1,710 00
Paxton, . . .	Three hundred thirty-seven dollars and fifty cents,	337 50
Petersham, . . .	Seven hundred and twenty dollars,	720 00
Phillipston, . . .	Three hundred thirty-seven dollars and fifty cents,	337 50
Princeton, . . .	Ten hundred fifty-seven dollars and fifty cents,	1,057 50
Royalston, . . .	Nine hundred and ninety dollars, . .	990 00
Rutland, . . .	Five hundred and eighty-five dol- lars,	585 00
Shrewsbury, . . .	Twelve hundred and sixty dollars,	1,260 00
Southborough, . . .	Eighteen hundred sixty-seven dol- lars and fifty cents,	1,867 50
Southbridge, . . .	Forty hundred seventy-two dollars and fifty cents,	4,072 50
Spencer, . . .	Fifty-one hundred fifty-two dollars and fifty cents,	5,152 50
Sterling, . . .	Eleven hundred forty-seven dollars and fifty cents,	1,147 50

Worcester
County.

WORCESTER COUNTY — CONCLUDED.

Sturbridge, . . .	Twelve hundred and fifteen dollars,	\$1,215 00
Sutton, . . .	Fifteen hundred ninety-seven dol- lars and fifty cents,	1,597 50
Templeton, . . .	Fifteen hundred and thirty dollars,	1,530 00
Upton, . . .	Eleven hundred two dollars and fifty cents,	1,102 50
Uxbridge, . . .	Twenty-four hundred and seventy- five dollars,	2,475 00
Warren, . . .	Twenty-nine hundred two dollars and fifty cents,	2,902 50
Webster, . . .	Thirty-two hundred sixty-two dol- lars and fifty cents,	3,262 50
Westborough, . . .	Thirty-two hundred and forty dol- lars,	3,240 00
West Boylston, . . .	Fourteen hundred and forty dollars,	1,440 00
West Brookfield, . . .	Ten hundred fifty-seven dollars and fifty cents,	1,057 50
Westminster, . . .	Nine hundred and ninety dollars, . . .	990 00
Winchendon, . . .	Twenty-five hundred and sixty-five dollars,	2,565 00
Worcester, . . .	Sixty-nine thousand fifty-two dol- lars and fifty cents,	69,052 50
		<u>\$193,545 00</u>

Recapitulation
by counties.

RECAPITULATION.

Barnstable Co., . . .	Twenty-three thousand seven hun- dred and fifteen dollars,	\$23,715 00
Berkshire Co., . . .	Forty-eight thousand eight hundred and seventy dollars,	48,870 00
Bristol Co., . . .	One hundred forty-five thousand three hundred and five dollars, . . .	145,305 00
Dukes Co., . . .	Four thousand and five dollars, . . .	4,005 00
Essex Co., . . .	Two hundred thirty-four thousand six hundred and thirty dollars, . . .	234,630 00
Franklin Co., . . .	Twenty-three thousand seventeen dollars and fifty cents,	23,017 50
Hampden Co., . . .	One hundred two thousand two hundred and eighty-five dollars, . . .	102,285 00
Hampshire Co., . . .	Thirty-four thousand two hundred and forty-five dollars,	34,245 00
Middlesex Co., . . .	Three hundred seventy-four thou- sand two hundred forty-two dol- lars and fifty cents,	374,242 50

RECAPITULATION — CONCLUDED.

Recapitulation
by counties.

Nantucket Co., .	Thirty-four hundred eighty-seven dollars and fifty cents,	\$3,487 50
Norfolk Co., .	One hundred thirty-two thousand six hundred thirty-seven dollars and fifty cents,	132,637 50
Plymouth Co.,	Sixty-seven thousand seventy-two dollars and fifty cents,	67,072 50
Suffolk Co., .	Eight hundred sixty-two thousand nine hundred forty-two dollars and fifty cents,	862,942 50
Worcester Co., .	One hundred ninety-three thousand five hundred and forty-five dollars,	193,545 00
		\$2,250,000 00

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Treasurer of the
Commonwealth
to issue war-
rants.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year eighteen hundred and eighty-seven, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth, at some time before the first day of October in the year eighteen hundred and eighty-seven.

To require
selectmen or
assessors to
issue warrants
to city or town
treasurers.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would

To notify treas-
urers of delin-
quent cities or
towns.

Warrants of distress may issue.

be equal to one per centum per month during such delinquency, from and after the tenth day of December in the year eighteen hundred and eighty-seven; and if the same remains unpaid after the first day of January in the year eighteen hundred and eighty-eight, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved June 16, 1887.

Chap. 452 AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit:—

Austin C. Wellington.

For Austin C. Wellington, the sum of two hundred dollars, as authorized by chapter sixty-two of the resolves of the present year.

Carney hospital.

For Carney hospital in the city of Boston, to aid in the erection of additional permanent buildings, the sum of ten thousand dollars, as authorized by chapter sixty-three of the resolves of the present year.

Massachusetts school for the feeble-minded.

For the purchase of land for the use of the Massachusetts school for the feeble-minded, a sum not exceeding twenty thousand dollars, as authorized by chapter sixty-four of the resolves of the present year.

Roberts Brothers.

For Roberts Brothers, the sum of two thousand five hundred dollars, as authorized by chapter sixty-five of the resolves of the present year.

Massachusetts reformatory.

For the construction of a coal shed, and the purchase of laundry machinery and for certain repairs and improvements at the Massachusetts reformatory at Concord, a

sum not exceeding six thousand seven hundred dollars, as authorized by chapter sixty-nine of the resolves of the present year.

For Owen McAuliffe of Hingham, the sum of three hundred and seven dollars and fifty cents, as authorized by chapter seventy of the resolves of the present year.

Owen
McAuliffe.

For the town of Groveland, the sum of thirteen hundred and one dollars, as authorized by chapter seventy-two of the resolves of the present year.

Town of Grove-
land.

For the construction of a reservoir, for the purchase of a hose and carriage and for new furnaces at the state industrial school for girls, a sum not exceeding seven thousand dollars, as authorized by chapter seventy-four of the resolves of the present year.

State industrial
school for girls.

For the town of Milford, the sum of fourteen hundred and seventy-nine dollars and fifty cents, as authorized by chapter seventy-seven of the resolves of the present year.

Town of Mil-
ford.

For John L. Mayers, the sum of one hundred dollars, as authorized by chapter seventy-eight of the resolves of the present year.

John L. Mayers.

For the widow of the late John K. Tarbox, the sum of seventeen hundred and fifty dollars, as authorized by chapter eighty of the resolves of the present year.

Widow of John
K. Tarbox.

For continuing the preparation for publication of a list of Massachusetts officers, sailors and marines, a sum not exceeding two thousand dollars, as authorized by chapter eighty-one of the resolves of the present year, being in addition to the fifteen hundred dollars appropriated by chapter three of the acts of the present year.

List of officers,
sailors and
marines.

For the completion of the decennial census of the year eighteen hundred and eighty-five, a sum not exceeding three thousand five hundred dollars, being in addition to the seventeen thousand dollars appropriated by chapter one of the acts of the present year.

Decennial
census.

For the payment of rent of rooms in Ticknor building adjoining the census office in Clafin building, for storage purposes for the bureau of statistics of labor, a sum not exceeding five hundred dollars.

Ticknor build-
ing.

For the purpose of exterminating contagious diseases among horses, cattle and other animals, a sum not exceeding two thousand dollars, being in addition to the five thousand dollars appropriated by chapter nine of the acts of the present year.

Contagious
diseases among
horses and
cattle.

Clerk of
supreme judicial
court for
Suffolk.

For the salary of the clerk of the supreme judicial court for the county of Suffolk, the sum of nine hundred and twenty-eight dollars and forty-two cents, as authorized by chapter two hundred and ninety-one of the acts of the present year.

Reformatory
prison for
women.

For the payment of salaries at the reformatory prison for women at Sherborn, the sum of seven hundred dollars, as authorized by chapter three hundred and forty-one of the acts of the present year, being in addition to the twenty-three thousand dollars appropriated by chapter ten of the acts of the present year.

Deputy tax
commissioner.

For the salary of the deputy tax commissioner, the sum of one hundred and forty-five dollars and eighty-three cents, as authorized by chapter three hundred and forty-two of the acts of the present year, being in addition to the two thousand seven hundred and fifty dollars appropriated by chapter one of the acts of the present year.

First clerk of
the tax commis-
sioner.

For the salary of the first clerk of the tax commissioner, one hundred and sixteen dollars and sixty-seven cents, as authorized by chapter three hundred and forty-two of the acts of the present year, being in addition to the eighteen hundred dollars appropriated by chapter one of the acts of the present year.

Second clerk of
the tax commis-
sioner.

For the salary of the second clerk of the tax commissioner, one hundred and sixteen dollars and sixty-seven cents, as authorized by chapter three hundred and forty-two of the acts of the present year, being in addition to the thirteen hundred dollars appropriated by chapter one of the acts of the present year.

Tax commis-
sioner and com-
missioner of
corporations, —
clerical as-
sistance.

For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary, a sum not exceeding two thousand dollars, as authorized by chapter three hundred and forty-two of the acts of the present year, being in addition to the twelve thousand dollars appropriated by chapter one of the acts of the present year.

Normal school
building, etc.,
at Westfield.

For improving the sewerage of the state normal school building and boarding hall at Westfield, a sum not exceeding five thousand two hundred dollars, as authorized by chapter three hundred and sixty-nine of the acts of the present year.

Massachusetts
reformatory,
aid to prisoners
discharged.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding two thousand dollars, as authorized by chapter three hundred and

ninety-five of the acts of the present year, being in addition to the three thousand dollars appropriated by chapter ten of the acts of the present year.

For expenses of the railroad commissioners made necessary by chapter three hundred and thirty-four of the acts of the present year, relating to the examination of railroad bridges, a sum not exceeding four thousand dollars, being in addition to the four thousand two hundred and fifty dollars appropriated by chapter nine of the acts of the present year.

Railroad commissioners.

For the salary of the adjutant general, the sum of three hundred and twenty-nine dollars, as authorized by chapter four hundred and eleven of the acts of the present year, being in addition to the three thousand dollars appropriated by chapter one of the acts of the present year.

Adjutant general.

For replenishing the library at the state prison, a sum not exceeding two thousand dollars, as authorized by chapter eighty-four of the resolves of the present year.

Library at state prison.

For the soldiers' messenger corps, a sum not exceeding eight hundred dollars, as authorized by chapter eighty-five of the resolves of the present year.

Soldiers' messenger corps.

For repairs and a trunk elevator at the normal school at Framingham, a sum not exceeding five thousand one hundred and seventy-five dollars, as authorized by chapter eighty-eight of the resolves of the present year.

Normal school at Framingham.

For Martha L. Blake and Caroline Blake, the sum of one hundred dollars, as authorized by chapter eighty-nine of the resolves of the present year.

Martha L. and Caroline Blake.

For protection against fire of the stairs and stairways of the reformatory prison for women, a sum not exceeding four thousand dollars, as authorized by chapter ninety-two of the resolves of the present year.

Reformatory prison for women.

For the centennial celebration of the signing of the Constitution of the United States, a sum not exceeding forty thousand dollars, as authorized by chapter ninety-three of the resolves of the present year.

Centennial celebration.

For expenses of a commissioner or delegate to a national convention on prison labor, a sum not exceeding three hundred dollars, as authorized by chapter ninety-four of the resolves of the present year.

Convention on prison labor.

For expenses in connection with investigations into the disposal of sewage in the Mystic and Charles river valleys, a sum not exceeding ten thousand dollars, as author-

Mystic and Charles river valleys.

ized by chapter ninety-five of the resolves of the present year.

State prison.

For the erection of a new building at the state prison at Boston, a sum not exceeding twenty thousand dollars, as authorized by chapter ninety-six of the resolves of the present year.

Military supplies.

For the purchase of uniforms, equipments and military supplies for the volunteer militia, a sum not exceeding seventy-eight thousand dollars, as authorized by chapter ninety-eight of the resolves of the present year.

Reprinting documents.

For reprinting certain documents and for replacing paper destroyed by fire at the state printers, a sum not exceeding five thousand dollars, as authorized by chapter ninety-nine of the resolves of the present year.

State house repairs.

For extra repairs and improvements in and furniture for the state house, a sum not exceeding ten thousand dollars, as authorized by chapter one hundred of the resolves of the present year.

Indexing house journals.

For indexing house journals under the direction of the clerk of the house, as authorized by an order adopted June sixteenth, eighteen hundred and eighty-seven, a sum not exceeding two thousand dollars.

Westborough insane hospital.

For additional fire protection, a carriage house and certain other improvements at the Westborough insane hospital, a sum not exceeding forty-nine thousand eight hundred and twenty-five dollars, as authorized by chapter one hundred and one of the resolves of the present year.

New England industrial school for deaf mutes.

For the New England industrial school for deaf mutes, the sum of two thousand dollars, as authorized by chapter one hundred and two of the resolves of the present year.

Massachusetts institute of technology.

For the Massachusetts institute of technology, the sum of fifty thousand dollars, as authorized by chapter one hundred and three of the resolves of the present year.

Walter Shauly.

For Walter Shanly, the sum of seventy-nine thousand four hundred and ninety-five dollars and sixty-two cents, as authorized by chapter one hundred and five of the resolves of the present year.

Bounties to veterans of Acton.

For the payment of bounties to certain veterans of the town of Acton, the sum of three thousand eight hundred and seventy-five dollars, as authorized by chapter one hundred and six of the resolves of the present year.

Widow of Frederick C. S. Bartlett.

For the widow of Frederick C. S. Bartlett, the sum of seven hundred and fifty dollars, as authorized by a resolve of the present year.

For the benefit of the hospital cottages in Baldwinville, in the town of Templeton, the sum of ten thousand dollars, as authorized by an act of the present year.

Hospital cottages in Baldwinville.

For ballot-boxes for cities and towns to vote on the question of granting licenses for the sale of liquor, a sum not exceeding twenty-eight thousand dollars, as authorized by an act of the present year.

Ballot-boxes.

For salaries of the controller and clerks, and office expenses, established by an act passed the present year, a sum not exceeding four thousand dollars, and for necessary travelling expenses of said officers, a sum not exceeding eight hundred dollars.

Controller and clerks.

For expenses under the act relating to the labor of prisoners in the prisons and houses of correction of the Commonwealth, a sum not exceeding twenty-five thousand dollars, as authorized by an act passed the present year.

Labor of prisoners.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1887.

RESOLVES.

Chap. 1 RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Treasurer may borrow money in anticipation of revenue.

Resolved, That the treasurer and receiver-general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may be from time to time necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury.

Approved January 19, 1887.

Chap. 2 RESOLVE PROVIDING FOR FURNISHING THE STATE NORMAL ART SCHOOL BUILDING.

State normal art school.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the state board of education for the purpose of furnishing the new building for the use of the state normal art school.

Approved January 28, 1887.

Chap. 3 RESOLVE PROVIDING FOR DESKS IN THE REPORTERS' GALLERY IN THE HOUSE OF REPRESENTATIVES.

Reporters' gallery in house of representatives.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one hundred dollars, for the purpose of providing suitable desks in the reporters' gallery in the house of representatives; the same to be expended under the direction of the sergeant-at-arms.

Approved February 1, 1887.

RESOLVE TO CONFIRM THE ACTS OF JOSIAH F. KIMBALL AS A
NOTARY PUBLIC. Chap. 4

Resolved, That all acts done by Josiah F. Kimball as a notary public within and for the county of Suffolk, between the thirty-first day of October and the thirteenth day of November in the year eighteen hundred and eighty-six, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Josiah F. Kimball, notary public, acts confirmed.

Approved February 21, 1887.

RESOLVE IN FAVOR OF THE STATE LIBRARY.

Chap. 5

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one thousand dollars for the purchase of law books for the state library; the same to be expended under the direction of the trustees and librarian.

State library.

Approved February 25, 1887.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND
EAR INFIRMARY. Chap. 6

Resolved, That the sum of fifteen thousand dollars be allowed and paid from the treasury of the Commonwealth to the Massachusetts charitable eye and ear infirmary, to be expended under the direction of the managers thereof for the charitable purposes of said infirmary for the present year; and the said managers shall report to the state board of lunacy and charity.

Massachusetts charitable eye and ear infirmary.

Approved February 25, 1887.

RESOLVE IN FAVOR OF FERDINAND SHULTZ.

Chap. 7

Resolved, That Ferdinand Shultz, who was a member of company C, third Massachusetts cavalry in the service of the United States in the war of the rebellion, shall from and after the first day of March in the year eighteen hundred and eighty-seven be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes in the same manner and to the same extent that he would have been had he been a resident of Massachusetts April twenty-third, eighteen hundred and sixty-six.

Ferdinand Shultz.

Approved February 25, 1887.

Chap. 8 RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE REPORT OF THE JOINT SPECIAL COMMITTEE ON THE JUDICIAL SYSTEM OF THE COMMONWEALTH.

Printing additional reports.

Resolved, That there be printed fifteen hundred additional copies of the report of the joint special committee, appointed by the legislature of eighteen hundred and eighty-six, on the judicial system of the Commonwealth, to be distributed as follows: — One copy to each member of the legislature and the remainder to be distributed by the secretary of the Commonwealth.

Distribution.

Approved February 25, 1887.

Chap. 9 RESOLVE IN FAVOR OF GEORGE H. CANNON, THOMAS J. CANNON, JOSIAH ROBINSON, BENJAMIN F. ROBINSON, JOHN GILLESPIE, FARNHAM GILLESPIE AND FRANCIS JENKINS.

Allowance for clothing destroyed by fire at state workhouse.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to George H. Cannon, twenty-four dollars and fifty cents; to Thomas J. Cannon, thirty-eight dollars and seventy-five cents; to Josiah Robinson, forty-one dollars and twenty-five cents; to Benjamin F. Robinson, seventeen dollars and fifty cents; to John Gillespie, forty-one dollars; to Farnham Gillespie, twenty-nine dollars and sixty-five cents, and to Francis Jenkins, eighteen dollars and seventy-five cents; as compensation for clothing and other personal effects belonging to them and destroyed by fire at the state workhouse at Bridgewater in the year eighteen hundred and eighty-three; said persons being then in the employ of the Commonwealth as resident officers in said institution.

Approved March 15, 1887.

Chap. 10 RESOLVE IN FAVOR OF CHARLES O. NEWELL OF BOSTON.

Charles O. Newell.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Charles O. Newell of Boston the sum of ninety-two dollars, in full compensation for personal injuries accidentally received while in the service of the state, to wit: while performing duty as first sergeant of company D, first battalion of cavalry of the Massachusetts volunteer militia, then in camp at the state camp grounds, South Framingham, Massachusetts, on or about the twenty-second day of July in the year eighteen hundred and eighty-six, and for medical attendance rendered necessary by said injury.

Approved March 15, 1887.

RESOLVE IN FAVOR OF JAMES BURKE.

Chap. 11

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to James Burke of Turner's Falls, an annuity of one hundred dollars, for the term of five years from the first day of January in the year eighteen hundred eighty-seven, in equal quarterly payments, on account of injuries received in the Hoosac Tunnel while in the employment of the Commonwealth.

James Burke.

Approved March 15, 1887.

RESOLVE IN FAVOR OF ELLEN MADIGAN.

Chap. 12

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Ellen Madigan of North Adams, widow of James Madigan, as compensation for the loss of her husband, who was killed while in the employ of the Commonwealth, the sum of one hundred and fifty dollars annually for the term of five years from the first day of January in the year eighteen hundred and eighty-seven, in equal quarterly instalments.

Ellen Madigan.

Approved March 15, 1887.

RESOLVE IN FAVOR OF ANNIE J. WELCH.

Chap. 13

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Annie J. Welch, widow of Patrick Welch, who was killed while in the employ of the Commonwealth, an annuity of one hundred dollars, for the term of five years, should she so long survive, payable from the first day of January, eighteen hundred and eighty-seven, in equal quarterly instalments.

Annie J. Welch.

Approved March 15, 1887.

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Chap. 14

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the soldiers' home in Massachusetts, the sum of twenty thousand dollars, the same to be used towards the maintenance of a home for deserving soldiers and sailors.

Soldiers' home
in Massachu-
setts.*Approved March 15, 1887.*

Chap. 15 RESOLVE CONFERRING UPON THE TOWN OF CONCORD TWO BRASS
FIELD PIECES.

Two brass field
pieces conferred
upon the town
of Concord.

Resolved, That for reasons set forth in the petition of the selectmen of the town of Concord, the governor is hereby authorized to confer upon the town of Concord the two brass field pieces heretofore used by the Concord artillery company and bearing the following inscription engraved thereon, to wit: "The legislature of Massachusetts consecrate the names of Major John Buttrick and Captain Isaac Davis, whose valor and example excited their fellow citizens to a successful resistance of a superior number of British troops at Concord bridge, the nineteenth of April, seventeen hundred and seventy-five, which was the beginning of a contest in arms that ended in American independence", with their carriages and equipments, in perpetuation of the historic renown of said town and in recognition of the services of said Concord artillery company. *Approved March 18, 1887.*

Chap. 16 RESOLVE IN RELATION TO THE STATE PRINTING.

Contract for the
state printing.

Resolved, That the chairman of the committee on printing on the part of the senate, the chairman of the said committee on the part of the house of representatives, the secretary, the treasurer and the auditor of the Commonwealth, the clerk of the senate and the clerk of the house of representatives, are directed to advertise for proposals for the execution of all the printing for the several departments of the government of the Commonwealth, except office stationery and blank books, for a term of five years from the first day of July in the year one thousand eight hundred and eighty-seven; they shall take into consideration the circumstances and facilities of the several bidders for doing the work as well as the terms offered; they may reject any bids received, and they shall award the contract, at such rates as they shall decide to be equitable between employer and employed, and to such bidder as in their judgment the interests of the Commonwealth may require, and they shall execute such contract in the name and behalf of the Commonwealth. Bonds satisfactory to the said officers to an amount not less than ten thousand dollars shall be given by the party to whom such contract is awarded for the faithful performance of the contract. *Approved March 21, 1887.*

RESOLVE AUTHORIZING THE PAYMENT OF SEWER ASSESSMENTS ON
THE PROPERTY OF THE COMMONWEALTH IN WORCESTER.

Chap. 17

Resolved. That there be allowed and paid out of the treasury of the Commonwealth to the city of Worcester the sum of two thousand and forty dollars and fifteen cents, on account of benefit to land held by the trustees of the Worcester lunatic hospital, and the further sum of one hundred and fifty-five dollars and twenty cents on account of benefit to land of the state normal school in Worcester, from sewers and drains constructed in said city.

Sewer assessments on the Commonwealth's property in Worcester.

Approved March 24, 1887.

RESOLVE IN FAVOR OF JOHN E. MAINTIEN.

Chap. 18

Resolved. That John E. Maintien, father of the late George H. Maintien, sergeant of company I, eighteenth regiment Massachusetts volunteers, shall from and after the first day of March in the year eighteen hundred and eighty-seven be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes and of chapter thirty-four of the acts of the year eighteen hundred and eighty-four, in the same manner and to the same extent that he would have been entitled had he resided in Massachusetts on and after the twenty-third day of April in the year eighteen hundred and sixty-six, and received state aid under the then existing laws.

John E. Maintien.

Approved March 24, 1887.

RESOLVE IN FAVOR OF THE TOWN OF BLACKSTONE.

Chap. 19

Resolved. That there be allowed and paid out of the treasury of the Commonwealth to the town of Blackstone the sum of two hundred sixty-six dollars and seventy-five cents, in reimbursement for expenses incurred in aid of certain state paupers quarantined in said town, and other expenses connected therewith.

Town of Blackstone.

Approved March 24, 1887.

RESOLVE PROVIDING ADDITIONAL PROTECTIVE APPARATUS IN CONNECTION WITH THE ENGINE AND BOILER ROOMS AT THE STATE HOUSE.

Chap. 20

Resolved. That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen hundred dollars, to provide additional apparatus as protection against possible accidents to the steam and

Engine and boiler rooms at the state house.

water apparatus of the state house; to be expended under the direction of the commissioners on the state house.

Approved March 24, 1887.

Chap. 21 RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Massachusetts school for the feeble-minded.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of five thousand dollars to the treasurer of the Massachusetts school for the feeble-minded, to make good a similar sum expended from the permanent funds of the institution in enlarging its school accommodations. *Approved March 24, 1887.*

Chap. 22

RESOLVE GRANTING COUNTY TAXES.

County taxes granted.

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county respectively, to be collected and applied according to law:— Barnstable, fourteen thousand dollars; Berkshire, sixty-eight thousand dollars; Bristol, one hundred and thirty-eight thousand dollars; Dukes county, six thousand four hundred dollars; Essex, two hundred and five thousand dollars; Franklin, thirty thousand dollars; Hampden, ninety-five thousand dollars; Hampshire, thirty-eight thousand dollars; Middlesex, one hundred and seventy-five thousand dollars; Norfolk, sixty thousand dollars; Plymouth, sixty thousand dollars, and Worcester, one hundred and fifteen thousand dollars. *Approved March 25, 1887.*

Chap. 23 RESOLVE PROVIDING FOR CERTAIN REPAIRS AT THE STATE NORMAL SCHOOL AT WESTFIELD.

State normal school at Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-seven hundred dollars for resetting the boilers, and repairs and alterations of the plumbing and for other alterations and repairs upon the interior of the boarding hall, and for new cases for specimens in the school building of the state normal school at Westfield; the same to be expended under the direction of the board of education. *Approved March 25, 1887.*

Chap. 24

RESOLVE IN FAVOR OF LAWRENCE N. DUCHESNEY.

Lawrence N. Duchesney.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Lawrence N. Duches-

ney of Lawrence, captain of battery C, first battalion light artillery, Massachusetts volunteer militia, the sum of three hundred dollars, to reimburse him for the death of one horse and injury to others, disabled while used by said battery C, in the line of duty during their encampment in July eighteen hundred and eighty-six.

Approved March 25, 1887.

RESOLVE PROVIDING FOR A NEW BARN, FOR THE PURCHASE OF COWS, AND A STEAM FIRE PUMP, AT THE STATE LUNATIC HOSPITAL AT TAUNTON. *Chap. 25*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand dollars for the purpose of providing a new barn, the purchase of cows, and a fire pump, at the state lunatic hospital at Taunton; to be expended under the direction of the trustees of said institution.

State lunatic hospital at Taunton.

Approved March 25, 1887.

RESOLVE PROVIDING FOR THE PURCHASE OF THE WILLOW PARK ESTATE AS AN ADDITION TO THE LYMAN SCHOOL FOR BOYS AT WESTBOROUGH, AND FOR REPAIRS TO THE BUILDINGS ON SAID ESTATE. *Chap. 26*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand dollars, to be expended under the direction of the trustees of the state primary and reform schools, for the following purposes, to wit: — A sum not exceeding three thousand dollars for the purchase of the estate known as Willow park in the town of Westborough, as an addition to the Lyman school for boys in said town; and a sum not exceeding four thousand dollars for necessary repairs to the buildings of the said estate.

Willow park. Lyman school for boys at Westborough.

Approved March 25, 1887.

RESOLVE IN FAVOR OF THE TOWN OF WARE. *Chap. 27*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-three dollars and fifty cents to the town of Ware, in full settlement of amounts expended by said town in aid of one Mary Cabana and her family, state paupers, on or about the sixteenth day of April in the year eighteen hundred and eighty-six.

Town of Ware.

Approved March 25, 1887.

Chap. 28

Thomas Sullivan.

RESOLVE IN FAVOR OF THOMAS SULLIVAN.

Resolved, That Thomas Sullivan, who was a member of company E, ninth Massachusetts infantry in the service of the United States in the war of the rebellion, shall from and after the first day of April in the year eighteen hundred and eighty-seven be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes and chapter thirty-four of the acts of the year eighteen hundred and eighty-four, in the same manner and to the same extent that he would have been had he been a resident of Massachusetts April twenty-third, eighteen hundred and sixty-six.

Approved March 25, 1887.

Chap. 29

Revision of studies taught in public schools.

RESOLVE AUTHORIZING THE STATE BOARD OF EDUCATION TO CONSIDER THE EXPEDIENCY OF REVISING THE LIST OF STUDIES REQUIRED TO BE TAUGHT IN THE PUBLIC SCHOOLS.

Resolved, That the state board of education be and they are hereby requested to consider the expediency of revising the statutory list of studies required to be taught in the public schools, and to report in print, separate from their general report, to the next general court at the beginning of the session with such recommendations concerning the matter as they may deem wise.

Approved March 30, 1887.

Chap. 30

Purity of water supplies, disposal of sewage, etc.

RESOLVE PROVIDING FOR INVESTIGATIONS INTO THE BEST METHODS OF ASSURING THE PURITY OF WATER SUPPLIES, DISPOSAL OF SEWAGE, AND FOR OTHER PURPOSES.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty thousand dollars, for the purpose of making the necessary investigations in regard to the best method of assuring the purity of water supplies, disposal of sewage and for other purposes, under the provisions of chapter two hundred and seventy-four of the acts of the year eighteen hundred and eighty-six; to be expended under the direction of the state board of health.

Approved March 31, 1887.

Chap. 31

Investigation of subject of evening schools.

RESOLVE AUTHORIZING THE STATE BOARD OF EDUCATION TO INVESTIGATE THE SUBJECT OF EVENING SCHOOLS.

Resolved, That the state board of education be and they are hereby requested to investigate the subject of evening

schools, their practical working and results, and particularly with reference to amending the statutes relating to the establishment and maintenance of such schools so as to include certain towns of less than ten thousand inhabitants, and to report in print, separate from their general report, to the next general court at the beginning of the session with such recommendations concerning this branch of our public school system as they may deem wise.

Approved April 4, 1887.

RESOLVE IN FAVOR OF DANIEL B. LINCOLN.

Chap. 32

Resolved, That Daniel B. Lincoln, formerly a seaman in the United States navy, a resident of the Commonwealth of Massachusetts at the time of his going into the service and now residing in Hingham, shall from and after March first, eighteen hundred and eighty-seven be eligible to receive military aid under the provisions, rules and regulations of chapter thirty of the Public Statutes and of all acts in addition thereto, in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts.

Daniel B. Lincoln.

Approved April 4, 1887.

RESOLVE IN FAVOR OF FOUNTAIN ELLIS.

Chap. 33

Resolved, That Fountain Ellis, a citizen of New Bedford at date of enlistment, who enlisted in the United States navy September twelfth, eighteen hundred and sixty-two, serving therein until September eleventh, eighteen hundred and sixty-three, be made eligible to receive military aid under the provisions, rules and limitations of chapter thirty of the Public Statutes in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts.

Fountain Ellis.

Approved April 4, 1887.

RESOLVE IN FAVOR OF SARAH MARIA CISCO OF THE HASSANAMISCO
TRIBE OF INDIANS

Chap. 34

Resolved, that there be allowed and paid out of the treasury of the Commonwealth to the selectmen of the town of Grafton an annuity of two hundred dollars for the benefit of Sarah Maria Cisco, the last of the Hassanamisco tribe of Indians, for the rest of her natural life, to be expended by the selectmen for her support, beginning with the first day of January in the year eighteen hundred

Sarah Maria Cisco.

and eighty-seven, and payable in equal quarterly instalments.

Approved April 11, 1887.

Chap. 35 RESOLVE PROVIDING FOR EXPENSES IN CONNECTION WITH THE ESTABLISHMENT OF THE BOUNDARY LINE BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE.

Massachusetts and New Hampshire boundary line.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, for continuing the work of the commissioners appointed under the authority of chapter seventy-three of the resolves of the year eighteen hundred and eighty-five, for the purpose of ascertaining and establishing the true jurisdictional boundary line between the Commonwealth of Massachusetts and the state of New Hampshire.

Approved April 14, 1887.

Chap. 36 RESOLVE PROVIDING FOR THE PAYMENT OF CURRENT EXPENSES AT THE WESTBOROUGH INSANE HOSPITAL AT WESTBOROUGH.

Westborough insane hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty thousand dollars, for the purpose of meeting current expenses at the Westborough insane hospital at Westborough for the year eighteen hundred and eighty-seven; the same to be expended under the direction of the trustees of said institution.

Approved April 14, 1887.

Chap. 37 RESOLVE EXTENDING THE TIME WITHIN WHICH AN ALLOWANCE MAY BE GRANTED TO THE MASSACHUSETTS MOZART ASSOCIATION OF THE FORTIETH NEW YORK MOZART REGIMENT FOR THE PURPOSE OF ERECTING A MONUMENT ON THE BATTLEFIELD OF GETTYSBURG, PENNSYLVANIA

Massachusetts Mozart association of the fortieth New York regiment.

Resolved, That the provisions of chapter thirty-nine of the resolves of the year eighteen hundred and eighty-five, granting the sum of five hundred dollars to the Massachusetts Mozart association of the fortieth New York Mozart regiment for the purpose of erecting a monument on the battlefield at Gettysburg, Pennsylvania, are hereby extended to the fourteenth of April in the year eighteen hundred and eighty-nine.

Approved April 20, 1887.

Chap. 38 RESOLVE TO REIMBURSE THE MASSACHUSETTS SCHOOL FUND FOR A FORGED NOTE HELD BY THAT FUND.

Reimbursement to Massachusetts school fund.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts school

fund the sum of four thousand dollars, to make good that part of said fund invested in a note purporting to have been issued by the town of Stow, but ascertained to be a forgery, now held as a part of the securities of said fund.

Approved April 20, 1887.

RESOLVE IN FAVOR OF CHARLES E. BARKER, ADMINISTRATOR.

Chap. 39

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Charles E. Barker of Newton, administrator with the will annexed of the estate of Daniel G. Wilkins, late of Boston in the county of Suffolk, deceased, said Wilkins having been appointed by the probate court of Middlesex county guardian of Catherine Y. Waters, a minor daughter of George H. Waters of Waterbury in the state of Connecticut, the sum of sixteen dollars and fifty-five cents, being the amount due said Barker as administrator aforesaid, and being the final dividend on the sum of one hundred and sixty-five dollars and fifty cents standing in the name of said Wilkins as guardian aforesaid, as a depositor in the West Boston savings bank of said Boston, bank book numbered two thousand seven hundred and twenty.

Charles E. Barker, administrator of estate of Daniel G. Wilkins.

Approved April 20, 1887.

RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT WORCESTER.

Chap. 40

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand five hundred dollars, for the purpose of grading and improving the grounds and for completing a wall around said grounds at the state normal school at Worcester; to be expended under the direction of the state board of education.

State normal school at Worcester.

Approved April 20, 1887.

RESOLVE PROVIDING FOR THE PURCHASE OF MACHINERY AND FOR REPAIRS IN THE LAUNDRY AT THE STATE PRIMARY SCHOOL AT MONSON.

Chap. 41

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, for the purchase of machinery and providing for certain repairs in the laundry at the state primary school at Monson; the same to be expended under the direction of the trustees.

State primary school at Monson.

Approved April 27, 1887.

Chap. 42 RESOLVE IN FAVOR OF THE MASSACHUSETTS TEACHERS' ASSOCIATION.

Massachusetts
teachers' asso-
ciation.

Resolved, That, subject to the approval of the board of education, there be allowed and paid out of that half of the income of the school fund of the present year not apportioned for distribution to cities and towns, to the president or treasurer of the Massachusetts teachers' association, seventy-six dollars and eighty-five cents, being the amount of the balance of the appropriation of the year eighteen hundred and eighty-six in behalf of said association, and which was not paid prior to the division of the income of eighteen hundred and eighty-six of said fund, on account of delay in the presentation of properly approved vouchers for its payment.

Approved April 27, 1887.

Chap. 43

RESOLVE IN FAVOR OF JOHN A. WILLIAMS.

John A. Wil-
liams.

Resolved, That John A. Williams, a citizen of Boston, Massachusetts, at date of enlistment, who enlisted in the United States navy June twenty-fourth, eighteen hundred sixty-four, serving therein until September fourteenth, eighteen hundred sixty-five, be made eligible to receive military aid under the provisions, rules and limitations of chapter thirty of the Public Statutes, in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts.

Approved April 27, 1887.

Chap. 44 RESOLVE PROVIDING FOR PRINTING TWELVE THOUSAND EXTRA COPIES OF THE REPORT OF THE EXPERIMENT STATION.

Printing report
of experiment
station.

Resolved, That there be printed twelve thousand extra copies of the report of the state experiment station at Amherst, the same to be bound with the report of the board of agriculture.

Approved April 27, 1887.

Chap. 45 RESOLVE IN RELATION TO THE TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS.

Topographical
survey and map
of Massachu-
setts.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, which sum may be expended by the commissioners on the topographical survey and map of Massachusetts, in addition to the nine thousand dollars authorized by chapter twenty-nine of the resolves of the year eighteen hundred and eighty-five, for the determina-

tion by triangulation of the boundary lines of the cities and towns in the Commonwealth.

Approved May 3, 1887.

RESOLVE IN FAVOR OF WILLIAM FARRELL OF BOSTON.

Chap. 46

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and fourteen dollars to William Farrell of Boston, in compensation for services as millwright in erecting the elevators in the state house.

William Farrell.

Approved May 3, 1887.

RESOLVE IN FAVOR OF THE CITIES OF HOLYOKE AND SPRINGFIELD AND THE TOWNS OF CHESHIRE, HINSDALE AND LENOX.

Chap. 47

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the city of Holyoke, one hundred and forty-six dollars and fifteen cents; to the city of Springfield, eighty-four dollars; to the town of Cheshire, eight dollars; to the town of Hinsdale, thirty-seven dollars and sixty cents; to the town of Lenox, fifty-nine dollars and twenty cents; for expenses incurred in the extermination of contagious diseases among animals in said cities and towns.

Holyoke,
Springfield,
Cheshire, Hins-
dale and Lenox.

Approved May 6, 1887.

RESOLVE PROVIDING FOR THE PURCHASE OF LAND FOR CEMETERY PURPOSES AT THE STATE ALMSHOUSE AT TEWKSBURY.

Chap. 48

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six hundred dollars, for the purpose of purchasing additional land for cemetery purposes at the state almshouse at Tewksbury; to be expended under the direction of the trustees of said institution.

Cemetery at
state almshouse
at Tewksbury.

Approved May 6, 1887.

RESOLVE IN FAVOR OF WILLIAM STOLLERY.

Chap. 49

Resolved, That William Stollery, a citizen of Boston at date of enlistment, who enlisted in the United States navy on the third day of September in the year eighteen hundred and sixty-four, serving therein until the tenth day of October in the year eighteen hundred and sixty-five, shall be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts.

William Stollery.

Approved May 6, 1887.

Chap. 50Theodore E.
Davis.

RESOLVE IN FAVOR OF THEODORE E. DAVIS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Theodore E. Davis, its agent for the prosecution of claims against the United States arising under the act of congress approved July the twenty-seventh, eighteen hundred and sixty-one, the sum of six thousand eight hundred and sixty-five dollars and thirty-seven cents, the same being an amount equal with what has heretofore been paid to twenty-five per centum of the sums already collected by him and paid into the treasury of the Commonwealth; and that upon all future collections made by him under the aforesaid act of congress a commission of twenty-five per centum shall be paid in full compensation for his services and expenses, excepting the coast defence claim, so called, upon which he shall receive a commission of ten per centum of the amount collected. And the governor by and with the advice and consent of the council is hereby authorized to enter into a contract with said Davis in accordance with the terms hereof.

*Approved May 11, 1887.***Chap. 51**Chauncey W.
Carter, trial
justice, acts
confirmed.RESOLVE CONFIRMING THE ACTS OF CHAUNCEY W. CARTER AS A
TRIAL JUSTICE.

Resolved, That all acts done by Chauncey W. Carter as a trial justice within and for the county of Worcester, between the twenty-first day of July and the fourteenth day of August in the year eighteen hundred and eighty-six, are hereby confirmed and made valid to the same extent as though he had been during all that time qualified to discharge the duties of said office.

*Approved May 16, 1887.***Chap. 52**Assessment
insurance to be
examined by
commissioner.RESOLVE PROVIDING FOR AN EXAMINATION INTO THE SUBJECT OF
ASSESSMENT INSURANCE BY THE INSURANCE COMMISSIONER.

Resolved, That the insurance commissioner be instructed to examine into the subject of assessment insurance, and report to the next general court what legislation, if any, is required for its further control and guidance.

Approved May 16, 1887.

RESOLVE PROVIDING FOR THE ERECTION OF A MEMORIAL TO
CRISPUS ATTUCKS, SAMUEL GRAY, JONAS CALDWELL, SAMUEL
MAVERICK AND PATRICK CARR. *Chap. 53*

Resolved, That the governor and council be and they are hereby authorized and requested to cause to be erected in some public place in the city of Boston a suitable memorial or monument to the memory of Crispus Attucks, Samuel Gray, Jonas Caldwell, Samuel Maverick and Patrick Carr, who were killed by British soldiers in the streets of Boston on the fifth day of March in the year seventeen hundred and seventy, upon the occasion known as the "Boston Massacre"; also to cause suitable headstones to be placed at the graves of the said persons, where their locations can be ascertained. The amount to be expended under this resolve shall not exceed the sum of ten thousand dollars.

Memorial to the
memory of
Crispus Attucks
and others.

Approved May 17, 1887.

RESOLVE IN FAVOR OF MARIA E. A. B. NOWELL.

Chap. 54

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Maria E. A. B. Nowell an annuity of one hundred dollars, payable in equal quarterly instalments, during her natural life.

Maria E. A. B.
Nowell.

Approved May 17, 1887.

RESOLVE IN FAVOR OF THE TOWN OF PALMER.

Chap. 55

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Palmer the sum of one hundred and fourteen dollars and twelve cents, as reimbursement to said town for money paid out in support of Peter Beaucage, John Moores, Patrick Falvey, Mary Hayes, Nellie Sweet and Honora Cronan, certain state paupers, in the year eighteen hundred and eighty-two.

Town of
Palmer.

Approved May 19, 1887.

RESOLVE PROVIDING FOR A NEW LAUNDRY, A FENCE, FOR THE
PURCHASE OF LAND, AND FOR CERTAIN REPAIRS, AT THE STATE
FARM AT BRIDGEWATER. *Chap. 56*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand four hundred dollars, to be expended at the state farm at Bridgewater under the direction of the trustees and superintendent of said institution for the following purposes, to wit: — For furnishing the material, and

State farm at
Bridgewater.

building an enclosing fence and walks around the buildings, a sum not exceeding three thousand five hundred dollars; for erecting new laundry buildings and furnishing the same, and for making certain changes in the kitchen and dining room departments, a sum not exceeding six thousand five hundred dollars, and for the purchase of additional land for the enlargement of the lot for cemetery purposes, a sum not exceeding four hundred dollars.

Approved May 19, 1887.

Chap. 57 RESOLVE GRANTING AN ALLOWANCE TO THE THIRD MASSACHUSETTS CAVALRY ASSOCIATION.

Third Massachusetts cavalry association.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of five hundred dollars to the third Massachusetts cavalry association, for the purpose of assisting said association in erecting a suitable monument in the national cemetery at Winchester, Virginia, in the memory of their comrades buried there; the said amount to be paid upon the approval of the governor and council to the duly authorized officers or committee of the said association if applied for within two years of the passage of this resolve.

Approved May 19, 1887.

Chap. 58 RESOLVE IN FAVOR OF JAMES B. MOORE.

James B. Moore.

Resolved, That James B. Moore, who enlisted in Company I, nineteenth regiment Massachusetts volunteers on the twenty-sixth day of August, eighteen hundred and sixty-one, shall on and after the first day of May, eighteen hundred and eighty-seven be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes in the same manner and to the same extent as he would have been eligible had he served to the credit of the state of Massachusetts at the time of receiving his disability.

Approved May 19, 1887.

Chap. 59 RESOLVE PROVIDING FOR PRINTING THE SPECIAL REPORT OF THE RAILROAD COMMISSIONERS ON THE BUSSEY BRIDGE ACCIDENT.

Report on the Bussey bridge accident.

Resolved, That three thousand copies of the railroad commissioners' special report on the Bussey bridge accident be printed and bound in cloth, said volume to contain the drawings and photographs, the evidence of the president and directors of the company, also of the super-

intendent of the railroad, master mechanic, superintendent of construction, chief car inspector, foreman of carpenters, clerk in superintendent's office, and builder of bridges, also of expert civil engineers and train employees, — to be distributed as follows: — Ten copies to the governor, lieutenant-governor, and each member of the executive council, eight copies to each member of the present legislature, and the balance to be distributed at the discretion of the railroad commissioners.

Approved May 19, 1887.

RESOLVE TO PROVIDE FOR DETERMINING THE BOUNDARIES OF LANDS OF THE COMMONWEALTH AT THE STATE PRISON, MASSACHUSETTS REFORMATORY, AND REFORMATORY PRISON FOR WOMEN. *Chap. 60*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three hundred dollars, to be expended by the commissioners of prisons for determining the boundary lines of the lands belonging to the Commonwealth at the state prison at Charlestown, at the Massachusetts reformatory at Concord, and at the reformatory prison for women at Sherborn, and making plans of said lands.

Boundaries of lands of Commonwealth at state prison, etc.

Approved May 19, 1887.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND ALTERATIONS AT THE STATE PRISON. *Chap. 61*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended at the state prison at Charlestown under the direction of the commissioners of prisons, a sum not exceeding fourteen thousand six hundred dollars, as follows: — For steam heating, a sum not exceeding two thousand seven hundred and fifty dollars; for repairs and alterations of hospital, a sum not exceeding five thousand seven hundred dollars; for plumbing, a sum not exceeding seven hundred and fifty dollars; for painting buildings, a sum not exceeding three thousand dollars; for construction of a library building, a sum not exceeding one thousand dollars; for building a chimney for boiler house, a sum not exceeding one thousand four hundred dollars.

Repairs and alterations at the state prison.

Approved May 19, 1887.

RESOLVE IN FAVOR OF AUSTIN C. WELLINGTON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Austin C. Wellington,

Chap. 62

Austin C. Wellington.

colonel of the first regiment of infantry, Massachusetts volunteer militia, the sum of two hundred dollars, in reimbursement of expenses for transportation of said regiment to and from Fort Warren in Boston harbor at its annual drill in the year eighteen hundred and eighty-five.

Approved May 26, 1887.

Chap. 63

Carney hospital.

RESOLVE IN FAVOR OF THE CARNEY HOSPITAL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the managers of the Carney hospital, a corporation in the city of Boston, the sum of ten thousand dollars to be expended under their direction in aid of the erection of additional permanent buildings, to cost not less than twenty thousand dollars, for the use of said institution; and said managers shall report within one year to the state board of lunacy and charity the details or specifications of said expenditure.

Approved May 26, 1887.

Chap. 64

Land for the use of the Massachusetts school for the feeble-minded.

RESOLVE PROVIDING FOR THE PURCHASE OF LAND FOR THE USE OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, for the purpose of purchasing additional land for the use of the Massachusetts school for the feeble-minded, to be expended under the direction of the trustees of said institution. The amount of expenditure authorized in this resolve is to purchase land with a view of establishing the Massachusetts school for the feeble-minded in another locality, and erecting thereon at some future time such buildings as will suitably provide for the wants of the institution.

Approved May 26, 1887.

Chap. 65

Roberts Brothers.

RESOLVE IN FAVOR OF ROBERTS BROTHERS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Roberts Brothers of Boston the sum of twenty-five hundred dollars, in full compensation for loss sustained on account of the refusal of the Commonwealth to take a lease of the building known as number three Somerset street in the city of Boston.

Approved May 27, 1887.

RESOLVE TO CONFIRM THE ACTS OF EDWARD J. JENKINS AS A
COMMISSIONER OF INSOLVENCY. *Chap. 66*

Resolved, That all acts done by Edward J. Jenkins, as a commissioner of insolvency for the county of Suffolk, between the first day of January and the first day of March in the year eighteen hundred and eighty-seven are hereby confirmed and made valid to the same extent as though he had been qualified during that time to discharge the duties of said office. *Edward J. Jenkins, commissioner of insolvency, acts confirmed.*

Approved May 27, 1887.

RESOLVE IN FAVOR OF ALDEN BRADFORD. *Chap. 67*

Resolved, That Alden Bradford, who served to the credit of Massachusetts during the war of the rebellion in company C, seventeenth regiment Massachusetts volunteers, shall be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes in the same manner and to the same extent that he would have been entitled had he been a resident of Massachusetts at the date of the passage of the act granting state aid. *Alden Bradford.*

Approved May 27, 1887.

RESOLVE IN FAVOR OF FANNY L. NYE. *Chap. 68*

Resolved, That Fanny L. Nye, wife of John W. Nye, now insane and confined in the Northampton lunatic asylum, who was a member of company A, tenth regiment Massachusetts volunteers, and by transfer, of the thirty-seventh and twentieth regiments Massachusetts volunteers during the war of the rebellion, shall be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes in the same manner and to the same extent that she would be entitled if her husband was in receipt of a pension from the United States and was otherwise entitled to state aid. *Fanny L. Nye.*

Approved May 31, 1887.

RESOLVE TO PROVIDE FOR THE CONSTRUCTION OF A COAL SHED
AND THE PURCHASE OF LAUNDRY MACHINERY AND FOR CERTAIN
REPAIRS AND IMPROVEMENTS AT THE MASSACHUSETTS REFORMA-
TORY AT CONCORD. *Chap. 69*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand seven hundred dollars, to be expended at the Massachusetts reformatory under the direction of the com- *Massachusetts reformatory, repairs and improvements.*

missioners of prisons, for the following purposes: — For the construction of a coal shed, a sum not exceeding two thousand dollars; for painting buildings, a sum not exceeding two thousand five hundred dollars; for laundry machinery, a sum not exceeding twelve hundred dollars; for the construction of an ice-house, a sum not exceeding five hundred dollars, and for the purchase of books for the library, a sum not exceeding five hundred dollars.

Approved June 1, 1887.

Chap. 70

RESOLVE IN FAVOR OF OWEN MCAULIFFE OF HINGHAM.

Owen
McAuliffe.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Owen McAuliffe of Hingham the sum of three hundred and seven dollars and fifty cents, in full payment for an injury received from a spent ball during the rifle practice of the first corps of cadets, Massachusetts volunteer militia, at Hingham, July fifteenth, eighteen hundred and eighty-four, under direction of their proper officers and while in the exercise of due care by the cadets.

Approved June 1, 1887.

Chap. 71

RESOLVE RELATIVE TO THE SAFER HEATING AND LIGHTING OF RAILROAD PASSENGER CARS.

Railroad com-
missioners to
investigate
methods of
heating and
lighting pas-
senger cars.

Resolved, That the board of railroad commissioners is hereby instructed to investigate the subject of providing better and safer methods of heating and lighting passenger cars used upon the several railroads in the Commonwealth, and to report to the next general court the result of their investigation with such recommendations and suggestions as they may desire to make.

Approved June 6, 1887.

Chap. 72

RESOLVE IN FAVOR OF THE TOWN OF GROVELAND.

Town of Grove-
land.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Groveland the sum of thirteen hundred and one dollars, as reimbursement to said town for money paid in support of Abbie Goodale, a state pauper, between the first day of January in the year eighteen hundred and seventy-eight and the first day of January in the year eighteen hundred and eighty-seven.

Approved June 6, 1887.

RESOLVE PROVIDING FOR THE REVISION AND CODIFICATION OF THE EXISTING LAWS IN RELATION TO THE COLLECTION OF TAXES AND OTHER ASSESSMENTS.

Chap. 73

Resolved, That the tax commissioner be authorized and requested to prepare and report to the next general court a revision and codification of existing laws relating to the collection of taxes and other assessments, with such amendments thereto as shall be calculated to secure greater simplicity and certainty in the proceedings for collecting taxes and other assessments, and with suitable forms to assist collectors of taxes in the discharge of their duties.

Tax commissioner to prepare codification of laws relating to collection of taxes, etc.

Approved June 6, 1887.

RESOLVE PROVIDING FOR THE CONSTRUCTION OF A RESERVOIR, FOR THE PURCHASE OF A HOSE AND CARRIAGE AND FOR NEW FURNACES AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Chap. 74

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand dollars, to be expended at the state industrial school for girls at Lancaster under the direction of the trustees thereof for the following purposes, to wit: For the purchase of new furnaces for the buildings at said institution, a sum not exceeding one thousand dollars, and for the construction of a reservoir, for the purchase of water pipe, hose and hose carriage, a sum not exceeding six thousand dollars.

State industrial school for girls, furnaces, reservoir, etc.

Approved June 8, 1887.

RESOLVE IN FAVOR OF HENRY E. HOCKINS.

Chap. 75

Resolved, That Henry E. Hockins, who was a member of company I, fifty-fourth regiment Massachusetts volunteers during the war of the rebellion, shall be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes in the same manner and to the same extent that he would have been had he resided in the state at the date of the passage of the act granting state aid.

Henry E. Hockins.

Approved June 8, 1887.

RESOLVE IN FAVOR OF EMILY LUTHER.

Chap. 76

Resolved, That Emily Luther, widow of the late Herbert M. Luther, formerly a member of company G, eighteenth regiment Massachusetts volunteers, shall from and after the first day of May in the year eighteen hundred and eighty-seven be eligible to receive state aid under the

Emily Luther.

provisions, rules and regulations of chapter thirty of the Public Statutes and chapter thirty-four of the acts of the year eighteen hundred and eighty-four, in the same manner and to the same extent that she would have been entitled had she resided in Massachusetts on the twenty-third day of April in the year eighteen hundred and sixty-six.

Approved June 8, 1887.

Chap. 77

Town of Milford.

RESOLVE IN FAVOR OF THE TOWN OF MILFORD.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth fourteen hundred and seventy-nine dollars and fifty cents to the town of Milford, to reimburse said town for money expended for the support of Susan Touhey, a state pauper.

Approved June 8, 1887.

Chap. 78

John L. Mayers.

RESOLVE IN FAVOR OF JOHN L. MAYERS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to John L. Mayers of Cambridge the sum of one hundred dollars, in full settlement of his claim against the Commonwealth upon his contract for erecting six double tenement dwelling houses at the Massachusetts reformatory at Concord.

Approved June 8, 1887.

Chap. 79

Dennis Baker.

RESOLVE IN FAVOR OF DENNIS BAKER.

Resolved, That Dennis Baker of Boston, who enlisted April second in the year eighteen hundred and sixty as ordinary seaman, and served on board the Ohio, North Carolina and Niagara, shall be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts in the late war of the rebellion.

Approved June 8, 1887.

Chap. 80

Widow of John K. Tarbox.

RESOLVE IN FAVOR OF THE WIDOW OF JOHN K. TARBOX.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late John K. Tarbox the same sum as the said Tarbox would have received as salary had he lived to perform service as insurance commissioner for the current year.

Approved June 13, 1887.

RESOLVE PROVIDING FOR CONTINUING THE PREPARATION FOR PUBLICATION OF A LIST OF MASSACHUSETTS OFFICERS, SAILORS AND MARINES WHO SERVED IN THE NAVY IN THE LATE CIVIL WAR. *Chap. 81*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, for the purpose of continuing the preparation for publication of the list of Massachusetts officers, sailors and marines who served in the navy to the credit of Massachusetts in the late civil war, as authorized by chapter fifteen of the resolves of the year eighteen hundred and seventy-five and chapter eight of the resolves of the year eighteen hundred and eighty; said amount to be in addition to the sum appropriated by chapter three of the acts of the present year.

List of officers, sailors and marines who served in the navy.

Approved June 13, 1887.

RESOLVE IN FAVOR OF JOSEPH T. HATHAWAY.

Resolved, That Joseph T. Hathaway, who served in the United States navy during the war of the rebellion, shall from and after the first day of June in the year eighteen hundred and eighty-seven be eligible to receive state aid, under the provisions, rules and limitations of chapter thirty of the Public Statutes in the same manner and to the same extent as he would have been if he had been credited to Massachusetts.

Chap. 82

Joseph T. Hathaway.

Approved June 13, 1887.

RESOLVE IN FAVOR OF ALICE E. BARNARD.

Resolved, That the annuity heretofore granted to Charles E. Barnard, under chapter eighty-five of the resolves of the year eighteen hundred and seventy-four, be continued to his widow Alice E. Barnard during her natural life should she remain unmarried, said Charles E. Barnard having been a soldier of the late war.

Chap. 83

Alice E. Barnard.

Approved June 13, 1887.

RESOLVE TO PROVIDE FOR REPLENISHING THE LIBRARY AT THE STATE PRISON. *Chap. 84*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the commissioners of prisons for the purchase of books for replenishing the library at the

Library at the state prison.

state prison at Charlestown, a sum not exceeding two thousand dollars.

Approved June 15, 1887.

Chap. 85

Soldiers' messenger corps.

RESOLVE IN FAVOR OF THE SOLDIERS' MESSENGER CORPS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the disabled soldiers' employment bureau a sum not exceeding eight hundred dollars; the same to be expended under the direction of the adjutant general. Three hundred dollars of said sum shall be allowed for superintendence of said bureau.

Approved June 16, 1887.

Chap. 86

Commissioners of prisons may exchange lands in Concord.

RESOLVE TO AUTHORIZE THE COMMISSIONERS OF PRISONS TO EXCHANGE CERTAIN LANDS IN CONCORD.

Resolved, That the commissioners of prisons are hereby authorized to exchange a certain piece of land on the southerly side of the Massachusetts reformatory at Concord belonging to the Commonwealth, for a certain adjoining piece of land belonging to Isaac Warren Flagg and George Gardner Russell of said Concord, and to execute and deliver in the name and behalf of the Commonwealth any and all deeds or papers necessary and proper to carry out said exchange, the lands to be so exchanged to have such metes and bounds as said commissioners may determine.

Approved June 16, 1887.

Chap. 87

Franklin L. Ramsell.

RESOLVE IN FAVOR OF FRANKLIN L. RAMSELL.

Resolved, That Franklin L. Ramsell of Boston, who enlisted on the nineteenth day of December in the year eighteen hundred and sixty-one at Canton in this Commonwealth in company G, twenty-ninth regiment Massachusetts volunteers, and served to the credit of said Canton for three years, and who re-enlisted January second in the year eighteen hundred and sixty-four and was erroneously credited to the town of Parsonsfield, Maine, is entitled to the bounty provided for in chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three and interest on the same, amounting to, in all, the sum of seven hundred and six dollars and eighty-eight cents; and the said sum is hereby allowed to be paid out of the bounty loan sinking fund as provided for in chapter one hundred and twelve of the acts of the year eighteen hundred and eighty-two.

Approved June 16, 1887.

RESOLVE PROVIDING FOR REPAIRS AND FOR A TRUNK ELEVATOR
AT THE NORMAL SCHOOL AT FRAMINGHAM.

Chap. 88

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand one hundred and seventy-five dollars, to be expended at the normal school at Framingham under the direction of the board of education for the following purposes: — For repairing and painting the school building, a sum not exceeding five thousand dollars; for a trunk elevator at the old boarding hall, the sum of one hundred and seventy-five dollars.

Normal school
at Framingham,
repairs, etc.

Approved June 16, 1887.

RESOLVE IN FAVOR OF MARTHA L. BLAKE AND CAROLINE BLAKE.

Chap. 89

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Martha L. Blake and Caroline Blake, sisters of the late George R. Blake who was a member of Company F, thirty-eighth regiment Massachusetts volunteers, and died in service June fourteenth in the year eighteen hundred and sixty-three, an annuity of fifty dollars each during the remainder of their several lives, to be paid quarterly under such provisions and limitations as the auditor of the Commonwealth may deem proper.

Martha L. Blake
and Caroline
Blake.

Approved June 16, 1887.

RESOLVE CONCERNING THE LIABILITY FOR THE LOSS OF CERTAIN
MILITARY PROPERTY LOANED BY THE COMMONWEALTH.

Chap. 90

Resolved, That the cities of Boston, Salem and Chelsea, and the Massachusetts agricultural college, Dean academy, Wesleyan academy and the state prison at Boston, be relieved from all liability for the loss of military property heretofore loaned them by the Commonwealth, and not now in their possession, and that the quartermaster general be authorized to drop such property from his books.

Released from
liability for loss
of military
property loaned
by Common-
wealth.

Approved June 16, 1887.

RESOLVE IN FAVOR OF WILLIAM AND MARY REARDON.

Chap. 91

Resolved, That William and Mary Reardon, father and mother of Thomas Reardon of Boston who served four years during the war of the rebellion in the quartermaster's department United States army, and who died from heart disease contracted in the service after returning to his home in said Boston, shall on and after the first day

William Rear-
don and Mary
Reardon.

of June in the year eighteen hundred and eighty-seven be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes in the same manner and to the same extent they would have been had they drawn aid previous to the eleventh day of April in the year eighteen hundred and sixty-seven: *provided*, the said Thomas Reardon be found to be duly credited to the Commonwealth. *Approved June 16, 1887.*

Chap. 92 RESOLVE TO PROVIDE FOR THE PROTECTION AGAINST FIRE OF THE STAIRS AND STAIRWAYS AT THE REFORMATORY PRISON FOR WOMEN.

Reformatory prison for women, protection against fire.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand dollars, to be expended at the reformatory prison for women under the direction of the commissioners of prisons, for the purpose of covering the stairs and stairways at said prison with iron, and of otherwise protecting them from fire. *Approved June 16, 1887.*

Chap. 93 RESOLVES RELATIVE TO THE CENTENNIAL CELEBRATION OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES.

Centennial celebration of the signing of the Constitution of the United States.

Resolved, That a sum not exceeding forty thousand dollars be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the governor and council for a proper representation of the Commonwealth at the centennial celebration of the signing of the constitution of the United States, at Philadelphia, on the seventeenth day of September next, and the governor and commander-in-chief is hereby requested to detail suitable organizations of the volunteer militia to represent the Commonwealth thereat.

Resolved, That the legislature accept the invitation of the centennial constitutional commission and of the citizens of Philadelphia, to be present on the seventeenth day of September next, by its presiding officers and by appropriate committees.

Resolved, That the governor be requested to call the attention of the various social, trade, commercial, labor, and other associations of the Commonwealth to the approach of this celebration, and urge upon such associations the acceptance of the invitation of the citizens of Philadelphia to take part in the processional display.

Approved June 16, 1887.

RESOLVE RELATIVE TO THE APPOINTMENT OF INTER-STATE COMMISSIONERS TO A NATIONAL CONVENTION ON PRISON LABOR.

Chap. 94

Whereas, The question of the abolition of the contract convict system of labor, and the substitution of some other system in its place, is now and has been for some time agitating the several states, and

Governor authorized to co-operate with other states in calling a convention to consider the subject of a uniform system for conducting labor of convicts.

Whereas, But slight relief will ensue to our manufacturers and working-men in the abolition of the contract system in one state if continued in another, and

Whereas, The best interests of the several states demand uniformity in respect to prison labor legislation, be it

Resolved, That the governor is hereby authorized to co-operate with such other states as may join, in calling a convention to meet at some place to be designated by them, to consider the advisability of recommending to their respective states a uniform system of conducting the labor of their convicts, and that the governor is authorized to appoint some suitable person to act as a delegate to such convention, such delegate to be paid his actual travelling expenses.

Approved June 16, 1887.

RESOLVE RELATING TO SEWAGE DISPOSAL IN THE MYSTIC AND CHARLES RIVER VALLEYS.

Chap. 95

Resolved, That the state board of health is hereby authorized and directed to consider and report a general system of drainage and sewerage for the relief of the valley of Mystic river, and so much of the valley of Charles river, if any, whose relief in the opinion of said board is to be sought in conjunction with the Mystic valley system, and for such cities and towns, or parts of cities and towns as may, in the opinion of said board, be best relieved by the use of said system; and so much of the report of the commissioners appointed under resolve approved May twenty-eighth in the year eighteen hundred and eighty-four, as relates to the cities and towns, or parts of cities and towns, which said board shall incorporate in the system to be reported under this resolve, is hereby referred to said board for its further consideration, and it shall be the duty of said board, —

State board of health to report a system of drainage and sewerage for relief of Mystic river, etc.

First. To designate the cities and towns, and parts of cities and towns, which shall be tributary to and embraced in the district and system so to be reported, and to define the same by their report, with plans and maps.

To designate cities and towns.

Plans and maps.

Second. To define and show, by suitable plans and maps, such trunk line and main branches as it shall recommend to be constructed, with outlet.

To define methods by which trunk line and branches may be utilized.

Third. To define the methods by which said cities and towns, or parts of any city or town, may utilize said trunk line and main branches as an outlet of a system of sewerage and drainage for said respective cities and towns, and said parts of cities and towns, and to show the same by plans and maps.

Surveys and levels to be made.

Fourth. To cause such surveys and levels to be made as will enable said board to determine with accuracy the location and grades of said trunk line and main branches, and also such surveys and levels in said cities and towns and parts of cities and towns as will enable said board to determine with accuracy the methods by which said cities and towns and parts of cities and towns may respectively utilize said trunk line and main branches and to report such methods by plans showing the main lines by which each may so provide for itself a system of sewerage and drainage with its outlet into said trunk line or main branches.

Size and capacity of trunk line, etc.

Fifth. To define the size and capacity of said trunk line and main branches and the materials of which they should be constructed and manner of construction, and such other particulars as will enable said board to determine the probable expense thereof.

Expenses of surveys, maps and plans to be paid by the Commonwealth.

Sixth. The expenses of surveys, maps and plans made to show the method by which any city or town, or part of city or town, may utilize said trunk line and main branches shall be separately kept, and the same, showing the amount expended in each, together with the expenses of the location and grade, maps and plans of said trunk line and main branches, together with all other expenses in the premises, and the items thereof, shall be reported to the governor and council, and all such costs and expenses shall be paid out of the treasury of the Commonwealth, on bills to be approved by the governor and council.

Cities and towns in territory embraced in proposed system to be notified.

Seventh. Each city or town which wholly or in part said board shall consider should form a part of the territory to be embraced in the system to be reported shall be notified thereof by said board as soon as said board shall determine the cities and towns and parts of cities and towns which shall constitute said sewerage and drainage district. Said notice shall contain the names of the

cities and towns wholly, and shall designate the portions of the cities and towns not wholly but in part, incorporated therein, and each of such cities and towns may confer with said board in respect to such drainage and sewerage system, and on request in writing be heard by said board on matters relating to the method of its utilizing said trunk line and main branches and the surveys, levels, maps and plans to determine and show the same, and under the superintendence of said board may, at its own expense, make its said surveys, levels, maps and plans for the use of said board; but all questions upon which any city or town shall desire to be heard shall be submitted to said board in writing with such request.

Eighth. Said board shall also consider whether any city or town within such district can more advantageously provide for itself a system of sewerage and drainage by itself and not as a part of said general system, and shall hear such city or town thereon if it shall so request, and shall also make report thereof.

To report concerning system to be provided by any city or town by itself.

Ninth. To ascertain and report the cost of the construction of said trunk line and main branches and outlet, and of the annual expense of operating the same, and also what cities and towns, or parts of cities and towns, would be obliged to pump their sewage or any part thereof, at what places, the cost of the works therefor and the annual expenses thereof: *provided, however,* the whole amount expended under the provisions of this resolve shall not exceed the sum of ten thousand dollars; and reports under the same shall be made by the state board of health to the general court on or before the first Wednesday of January, in the year eighteen hundred and eighty-nine.

To report cost of construction, annual expense of operating, etc.

Whole expense not to exceed \$10,000.

Approved June 16, 1887.

RESOLVE TO AUTHORIZE THE ERECTION OF A NEW BUILDING AT THE STATE PRISON AT BOSTON.

Chap. 96

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, to be expended at the state prison at Boston under the direction of the warden with the approval of the commissioners of prisons, for the construction of a building not exceeding two stories in height to contain cells for prisoners.

New building at the state prison.

Approved June 16, 1887.

Chap. 97

Oliver Avignon.

RESOLVE IN FAVOR OF OLIVER AVIGNON

Resolved, That Oliver Avignon of Bolton, Connecticut, sole heir at law of Peter Avignon, late of company I, fifty-sixth regiment Massachusetts volunteers, who died in Andersonville prison in the year eighteen hundred and sixty-four, is entitled to the sum of nine hundred and nineteen dollars and six cents, said sum being the amount of bounty received by the treasurer and receiver general, of said Peter Avignon on the twenty-fourth of March in the year eighteen hundred and sixty-four, under the provisions of chapter sixty-two of the acts of the year eighteen hundred and sixty-two and chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three and interest on the same to the twenty-fourth day of June current; and the said sum is hereby allowed to be paid to the said Oliver Avignon out of the bounty loan sinking fund as provided for in chapter one hundred and twelve of the acts of the year eighteen hundred and eighty-two.

Approved June 16, 1887.

Chap. 98

RESOLVE PROVIDING FOR THE PURCHASE OF UNIFORMS, EQUIPMENTS AND MILITARY SUPPLIES FOR THE VOLUNTEER MILITIA.

Uniforms, equipments and supplies for the volunteer militia.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-eight thousand dollars, to be expended by the quartermaster general under the direction of the governor and commander-in-chief for the purchase of uniforms, equipments and supplies for the volunteer militia. No part of this sum shall be expended unless contracts can be made satisfactory to the commander-in-chief to furnish such uniforms, equipments and supplies, and for the amount specified in this resolve.

Approved June 16, 1887.

Chap. 99

RESOLVE TO PROVIDE FOR REPRINTING CERTAIN DOCUMENTS AND FOR REPLACING PAPER DESTROYED BY FIRE AT THE STATE PRINTERS.

Printing certain documents destroyed by fire.

Resolved, That the secretary of the Commonwealth be allowed to expend a sum not exceeding twenty-five hundred dollars for printing certain documents and parts of documents, and a sum not exceeding twenty-five hundred dollars for replacing paper to be used in the execution of the contract for the state printing; such documents and

paper having been destroyed by fire on Wednesday, April sixth of the present year.

Approved June 16, 1887.

RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS IN AND FURNITURE FOR THE STATE HOUSE.

Chap.100

Resolved, There be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars, to be expended under the direction of the commissioners on the state house for repairs and improvements in the state house, including the engineer's department, and for furniture and carpets: *provided*, that all expenditures of over one thousand dollars shall be open to competitive bids.

Repairs and furniture for the state house.

Approved June 16, 1887.

RESOLVE PROVIDING FOR ADDITIONAL FIRE PROTECTION, A CARRIAGE HOUSE AND CERTAIN OTHER IMPROVEMENTS AT THE WESTBOROUGH INSANE HOSPITAL.

Chap.101

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-nine thousand eight hundred and twenty-five dollars, to be expended at the Westborough insane hospital at Westborough under the direction of the trustees for the following purposes, to wit: — For the purpose of furnishing proper drainage for the buildings, more perfect ventilation, additional heating apparatus, the purchase of land for a sewer field, and the proper distribution of the sewage, a sum not exceeding thirty thousand dollars; for new pipe for fire service, for a fire engine, hose and hose carriage, a sum not exceeding three thousand dollars; for a coal shed, horses, cows and oxen, hay ricks and row boats, a sum not exceeding three thousand two hundred and seventy-five dollars; for an ice house, furnishing two cottages for help, furnishing the attic, and for blinds and painting, a sum not exceeding two thousand nine hundred dollars; for reconstructing roof, for catches on roof for snow and ice, a sum not exceeding three thousand dollars; for carriage house and vegetable cellar, for carriages for patients and officers, a sum not exceeding five thousand dollars; for concreting barn cellar, for a coal cellar and for a dead house, a sum not exceeding one thousand six hundred and fifty dollars, and for a medical library and instruments and a library for the use of patients, a sum not exceeding one thousand dollars: *provided*, that

Westborough insane hospital.

if in the judgment of the trustees a larger sum is needed for the purposes of drainage, heating, ventilation and sewage disposal, than is herein specified, any other sums herein appropriated may be used for said purposes.

Approved June 16, 1887.

Chap.102 RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

New England
industrial school
for deaf mutes.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the New England industrial school for deaf mutes of Beverly the sum of two thousand dollars, to be expended under the direction of the trustees thereof; one-half of said sum to be applied toward the payment of the mortgage on the property of said institution, and the balance to be used for the educational purposes of the school for the present year; and the trustees shall report to the state board of education.

Approved June 16, 1887.

Chap.103 RESOLVE IN FAVOR OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Massachusetts
institute of
technology.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred thousand dollars to the corporation of the Massachusetts institute of technology, in the manner following: — An instalment of fifty thousand dollars on the first day of December in the present year, and a final instalment of fifty thousand dollars on the first day of December in the year eighteen hundred and eighty-eight; said sums to be applied to the purposes of the institute. And in consideration of this grant said institute shall establish and maintain twenty free scholarships, and each senatorial district in this Commonwealth shall once in eight years, in such alternate order as the board of education shall at the time of the first apportionment of said scholarships determine by lot, be entitled to one scholarship for a period of four years, to be awarded to such candidates as shall be found upon examination to possess the qualifications fixed for the admission of students to said institute, and who shall be selected by the board of education; preference in the award being given to qualified candidates otherwise unable to bear the expense of tuition. In case no candidate appears from a senatorial district, then a candidate may be selected from the state

at large to fill such vacancy, who may continue to hold the scholarship annually until a candidate is presented from the senatorial district unrepresented, who shall then be awarded the scholarship for the balance of the time for which said district would originally have been entitled to its benefit. In case a vacancy occurs in any senatorial district after an appointment has been made, then a candidate from the same district shall be selected for the balance of the time for which said district is entitled to its benefit, or in the event of no such candidate appearing, from the state at large, upon the conditions previously set forth: *provided*, that said corporation shall secure, prior to the first payment above authorized, a further sum of one hundred thousand dollars in addition to the funds now held by it and to be applied to the purposes of the said institute, and shall present satisfactory evidence thereof to the auditor of the Commonwealth.

Approved June 16, 1887.

RESOLVE IN FAVOR OF JOHN MORRIS.

Chap.104

Resolved, That John Morris of Boston, who was a member of company I, ninth regiment Massachusetts volunteers, shall be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes in the same manner and to the same extent that he would have been had he resided in the state on the twenty-third day of April in the year eighteen hundred and sixty-six.

John Morris.

Approved June 16, 1887.

RESOLVE IN FAVOR OF WALTER SHANLY.

Chap.105

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Walter Shanly the sum of seventy-nine thousand four hundred and ninety-five dollars and sixty-two cents, in full payment for actual losses and of all legal and equitable claims against the Commonwealth incurred in the construction of the Hoosac Tunnel.

Walter Shanly.

Approved June 16, 1887.

RESOLVE IN FAVOR OF UNPAID VETERANS OF THE TOWN OF ACTON.

Chap.106

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars to each of thirty-one soldiers, or to the legal heirs of each of said soldiers who may have deceased, who re-enlisted as a veteran in the twenty-sixth

Bounties to unpaid veterans of the town of Acton.

regiment of Massachusetts volunteers under the call of the president, dated October seventeenth, eighteen hundred and sixty-three, who was credited to the town of Acton, and has never received therefrom any bounty for such re-enlistment.

[*This Resolve, returned by the Governor to the Senate, in which it originated, with his objections thereto, was passed in concurrence by the Senate and House of Representatives, the objections of the Governor notwithstanding, June 16, 1887, in the manner prescribed by the Constitution, and thereby had the "force of a law."*]

Chap.107 RESOLVE IN FAVOR OF THE WIDOW OF THE LATE FREDERICK C. S. BARTLETT.

Widow of
Frederick C.
S. Bartlett.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late Frederick C. S. Bartlett, a member elect from the fourth Bristol district, the amount said Bartlett would have been entitled to had he served as a member to the end of the present session.

Approved June 16, 1887.

Chap.108 RESOLVE IN FAVOR OF PATRICK CORR.

Patrick Corr.

Resolved, That Patrick Corr, late of company I, thirtieth regiment of Massachusetts volunteers, is entitled to the sum of two hundred and forty dollars as bounty from the thirty-first day of August in the year eighteen hundred and sixty-four to the first day of September in the year eighteen hundred and sixty-five, under the provisions of chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three with interest from said first day of September at the rate of five per centum per annum as provided in the fourth section of said chapter two hundred and fifty-four; and the said sum is hereby allowed to be paid out of the bounty loan sinking fund as provided for in chapter one hundred and twelve of the acts of the year eighteen hundred and eighty-two.

Approved June 16, 1887.

RESOLUTIONS.

RESOLUTION ON THE DEATH OF FREDERICK C. S. BARTLETT, MEMBER ELECT FROM THE FOURTH BRISTOL REPRESENTATIVE DISTRICT.

Resolved, That the members of the House of Representatives of the Commonwealth of Massachusetts, recognizing the faithful and valuable services of the late Frederick C. S. Bartlett as a member of the House of Representatives of eighteen hundred and eighty-six from the Fourth Bristol Representative District, and who was the member-elect from the same district to the present House, desire to express their appreciation of the great loss which the Commonwealth and this House have suffered in his death, and, recalling the remarkable union of strength, integrity and gentleness which characterized him, to place upon record this tribute to his memory.

Respect for the memory of Frederick C. S. Bartlett, member elect of the House of Representatives.

Resolved, That the clerk be directed to enter these resolutions upon the records of this House, and to forward a copy thereof to the family of the deceased.

In House of Representatives, adopted January 20, 1887.

RESOLUTIONS CONCERNING THE UNJUST TREATMENT OF AMERICAN SEAMEN IN CANADIAN WATERS.

Whereas, American fishermen in Canadian waters have been, and are, subjected to unjust and in some instances inhuman treatment, at the hands of the officials of the Dominion Government, by which the comity of nations has been denied to vessels bearing the American flag ;

Unjust treatment of American seamen in Canadian waters.

Whereas, The Dominion Government has recently enacted non-intercourse and hostile legislation ; has interpreted existing treaties to deny to our fishermen the right to purchase supplies in Canadian ports, and other hostile acts unbecoming a friendly nation ;

Whereas, The just rights of our fishermen is a question of great and especial moment to the people of Massachusetts ;

Resolved, That if the Canadian Government shall continue to refuse redress, the Legislature of Massachusetts, now in session, favor the retaliatory legislation proposed in Congress by the Government of the United States, to the extent, if need be, of denying to the Canadian vessels in American ports the right to purchase supplies ; and the further exclusion of all Canadian products by land or sea from being imported into the United States, until such offensive legislation and interpretation of existing treaties and violation of national comity shall have been withdrawn and discontinued.

Resolved, That a copy of this preamble and resolutions, if adopted, be forwarded to our Senators and Representatives in Congress.

In Senate, adopted January 25, 1887.

In House of Representatives, adopted in concurrence, January 27, 1887.

RESOLUTION CONCERNING THE ERADICATION OF PLEURO-PNEUMONIA
AMONG CATTLE IN THE UNITED STATES.

Pleuro-pneumonia among cattle.

Resolved, That the Senators and Representatives of Massachusetts in the United States Congress are requested to use their best endeavors to secure the enactment of a law during the present session for the eradication of pleuro-pneumonia among cattle in the United States.

In House of Representatives, adopted February 4, 1887.

In Senate, adopted in concurrence, February 9, 1887.

RESOLUTIONS IN FAVOR OF COAST DEFENCES AND THE BUILDING OF
A NAVY.

Coast defences and the building of a navy.

Whereas, The people of this Commonwealth, realizing the defenceless condition of the seaport cities and towns, not only of this State but of the whole country ; and realizing, further, the incalculable loss that would befall these cities in the event of war with a foreign power ; and

Whereas, The navy of the country is totally inadequate, in such an event, to render substantial aid, either in the defence of our cities and harbors or in protecting our commerce upon the high seas ; and

Whereas, This condition of our defences assumes importance to Massachusetts, from the fact that the capitol of the State, together with its archives, are on the seaboard and liable to bombardment and destruction; therefore,

Resolved, That the Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled do most respectfully and earnestly urge upon Congress the appropriation of liberal sums, for the purpose of coast defences and for the building of a navy that will command the confidence of our own people and the respect of other nations.

Resolved, That a copy of these resolutions be transmitted to the Senators and Representatives in Congress from this Commonwealth.

In House of Representatives, adopted February 14, 1887.

In Senate, adopted in concurrence, February 14, 1887.

The General Court of 1887, during its annual session, passed four hundred and fifty-two Acts and one hundred and seven Resolves, which received the approval of his Excellency the Governor.

“An Act to incorporate the town of Beverly Farms” was laid before the Governor for his approval, and was returned by him to the House of Representatives, in which it originated, with his objections thereto; was reconsidered, agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the objections of the Governor to the contrary notwithstanding, it was rejected, two-thirds of the members present and voting thereon not having voted in the affirmative.

A “Resolve in favor of unpaid veterans of the town of Acton” (chap. 106) was laid before the Governor for his approval, and was returned by him to the Senate, in which it originated, with his objections thereto; it was reconsidered, agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the objections of the Governor to the contrary notwithstanding, it was passed, two-thirds of the members of the Senate and House of Representatives present and voting thereon having voted in the affirmative.

The General Court was prorogued on Thursday, the sixteenth day of June, the session having occupied one hundred and sixty-two days.

INAUGURAL ADDRESS
OF
HIS EXCELLENCY OLIVER AMES.

At half-past twelve o'clock on Thursday, the sixth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives in Convention, and delivered the following

ADDRESS.

Gentlemen of the Senate

and of the House of Representatives:

In accordance with custom I ask your attention first to a summary of the financial affairs of the Commonwealth as exhibited in the statements of the several departments:—

FINANCIAL STATEMENT.

Funded debt Jan. 1, 1886, \$31,432,680 90

It has been reduced during the present year by the following payments from the sinking funds:—

Coast Defence Loan Bonds due July 1,

1883, \$2,000

Bounty Loan Bond due July 1, 1883, 1,000

3,000 00

Funded debt Jan. 1, 1887, \$31,429,680 90

SINKING FUNDS.

Amount of Sinking Funds Jan. 1, 1886, \$18,182,672 44

Reduced by payment of Coast Defence and Bounty
Loan Bonds, 3,000 00

\$18,179,672 44

Amount of Sinking Funds Jan. 1, 1887,	\$18,964,412 62
Increase,	\$784,740 18
Actual expenses, 1885,	\$4,915,303 43
Actual expenses, 1886, so far as can be ascertained,	5,017,647 71

ESTIMATES FOR 1887.

Payments for all purposes,	\$5,068,726 87
Receipts, including cash on hand, but exclusive of direct State tax,	3,951,081 31
Deficit,	\$1,117,645 56

The Legislatures of recent years have neglected to raise, by the annual direct tax levy, a sum sufficient for the needs of the government, the result of which has been a deficit increasing year by year, until it has now reached serious proportions, — a state of affairs which, in my judgment, calls for decisive action by the Legislature. To meet the deficit already thus accrued, and the probable necessities of the coming year, the sum of \$2,000,000 will be needed in addition to the ordinary revenue, and I accordingly recommend that that sum be raised by direct taxation, unless through your efforts a material reduction can be made in special expenditures.

TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

This subject will receive at this time but a moment's attention. Very recent negotiations have resulted in an agreement for the consolidation of this property with the Fitchburg Railroad, under a new corporation, as authorized by chapter 297 of the Acts of 1885. It is my purpose to make a special communication to the Legislature, in which I will state the financial condition of the property and its earnings, and the details of the plan of consolidation.

. SAVINGS BANKS.

The total of deposits in the savings banks at the close of business Oct. 30, 1886, was \$291,197,900.96, — an increase for the year of \$16,199,488.03, which is greater than for any year since 1875.

The number of depositors was 906,039, — an increase of 57,250, which is the largest increase for any year since 1872.

There are now 172 savings banks doing business in the Commonwealth, — one more than the year previous.

Their condition has been generally satisfactory, and the conservative management which has characterized them for the past ten years has been maintained.

The savings banks of the State find it more and more difficult with each succeeding year to invest their deposits safely and profitably.

United States bonds pay their holders little more than two and one-half per cent. net income, and they are being rapidly called in. Comparatively few city and town bonds are being issued. All that remain, then, for the investment of the bulk of the deposits are mortgages on real estate and loans on personal security. While real estate mortgages are desirable, experience has shown that it is not safe to have too large a proportion of the deposits in investments that cannot be readily turned into cash at short notice, when needed.

The present statutes provide that not over one-third of the deposits shall be invested in personal securities.

Loans on personal securities, consisting of the notes of a principal with two or more sureties, often strengthened with satisfactory collateral, or of the notes of strong corporations, with the guarantee of responsible parties, are most desirable investments, especially when the notes contain a provision that any part of the loan needed to pay depositors may be called before maturity. In case of a run on the bank in time of panic, these loans are practically on demand, and they are due from persons able to respond promptly under almost any circumstances.

Believing that the interest of the depositors will be promoted by allowing a larger investment in such desirable loans, I recommend that the limitation of loans upon personal securities be increased from thirty-three and a third to forty per cent. of the total deposits.

CO-OPERATIVE BANKS.

The interest in the establishment of co-operative banks is increasing. During the year ten have been incorporated, making forty now in operation.

The object for which they were primarily established — to assist mechanics and other persons of moderate means in securing homesteads by the use of their monthly

savings — recommends them to the fostering care of the Legislature, and also requires that their stability should be maintained by such conservative legislation as their development calls for.

FRAUDULENT STOCK CERTIFICATES.

The State of Massachusetts grants under its general laws rights and privileges to citizens to associate together and form corporations for the promotion of business enterprises. As a measure of protection to stockholders and investors, the State requires of these corporations annual reports of their condition, in order that their financial standing may be known. Recent occurrences suggest that we should advance a step farther in this direction, and, if possible, devise some additional method to prevent the fraudulent over-issue of stock. It seems entirely possible to frame a system of registration which will make such issue almost impossible in any Massachusetts corporation.

LABOR.

Among the most vital questions that now demand the careful consideration of the Legislature are those which concern the relations of capital and labor, and the assurance of their rights to both employers and employed.

ARBITRATION. •

Much has been hoped from the principle of arbitration, applied to differences between working people and their employers, by an impartial board, appealing to reason and to public opinion. This principle is now recognized by the laws of many of the States; and in New York and our own Commonwealth permanent boards of arbitration have been established by State authority. The Board of Arbitration and Conciliation in this State has been organized and in operation for about four months only,—obviously too short a time to fully test its capacity for usefulness, although it has appeared to act with judgment and discretion in the few cases that have come before it. If any amendments to the existing statute are proposed which, while preserving the rights of all concerned, shall seem calculated to give the Board greater efficiency and better facilities for doing its work, I shall gladly cooperate with you in their favorable consideration.

THE CIVIL SERVICE.

Nearly 6,000 officers and laborers throughout the State are now subject to the Civil Service Act and to the rules made in pursuance of its provisions. The system has become thoroughly established as a valuable part of the administration of our State and city governments. It is working well and no change in its details seems at present necessary. I heartily recommend an adequate appropriation for its maintenance. To its moral support the people are already pledged.

INTEMPERANCE.

All good men and women are interested in the suppression of intemperance, for there is no difference of opinion as to the fact that the sale and use of intoxicating liquors result in poverty, vice and crime. Unfortunately, a wide difference prevails as to the best means of dealing with this source of evil. You will all agree with me that no effort should be spared to secure more rigid enforcement of existing laws in restraint of the traffic. It is beyond measure alarming, that in certain cities there is a bar-room for about every hundred of the population. I would urge the advisability of a law restricting within narrow limits the number of licenses to be granted in any city or town voting for license, and I would also suggest that the fees for licenses be greatly increased.

SUNDAY LAWS.

The laws concerning the observance of the Lord's day are, in their present form, of unequal, if not unjust, operation, and by partial or irregular enforcement are liable to become an annoyance to the people and a reproach to the State. With all respect for the ancient faith of the fathers, and with every desire to perpetuate their goodly customs and sound morality, we must admit that these laws are no longer suited to the times or capable of regular or uniform execution. In some particulars they are constantly violated, without heed and without scruple, by practically the whole body of our citizens. Such a spectacle cannot but tend to bring all law into contempt, and to excite an increasing animosity against the institutions which these laws were originally designed to secure. The

whole body of the Sunday laws should be thoroughly and carefully revised, and this should be done without delay. I believe that it is possible to frame such legislation as will permit the doing of acts which, in the present state of society, are generally approved as practically necessary on all days alike, and will remove from our law the reproach of being an aid to fraud and an encouragement to the violation of just obligations; and I have no doubt that this can be done with due regard to the quiet and sanctity of the Sabbath, and without offending the feelings of any class of our citizens.

WOMEN SUFFRAGE.

I earnestly recommend, as an act of simple justice, the enactment of a law securing municipal suffrage to women.

AGRICULTURE.

The agriculture of the State has shared in the recent general depression, and requires careful and economical management and trained intelligence to maintain itself profitably. Hence, I think, we ought to place high value upon the work of the Experimental Station and the instruction of the Agricultural College. I am satisfied that both of these institutions are doing admirable work, and I recommend them to your judicious liberality.

EDUCATION.

It is the universal testimony of all educators that the success or failure of schools depends largely upon their superintendence. The small towns alone, and unaided, are unable to supply themselves with special and efficient supervision. By the law of 1870, power is granted the towns to unite into districts for the purpose of securing such supervision as their schools may require. Four districts have been formed under this law with the most gratifying results, and other districts would be organized if the necessary means were provided. I recommend that this be done by the State.

NORMAL ART SCHOOL.

The new building for the State Normal Art School is now nearly completed, and will be ready for occupancy some time in February next. This school deserves the

cordial support of the State, as it is the chief means by which the industrial element is to be introduced into our system of public instruction.

I suggest, also, that you consider whether the success of this experiment in higher education does not warrant the extension of the State normal system to music, — the most wide-spread of the fine arts, and the one most cultivated among us, — to the end that excellence and uniformity of method may be secured in the musical instruction now nearly universal in our public schools.

INDUSTRIAL EDUCATION.

Closely connected with this topic is the question of industrial education, a subject in which the working people have a peculiar interest. It is little, at the best, which legislation can do to advance wages or to directly promote their welfare; but it is always possible, by education, to raise still higher the standard of intelligence and skill employed in productive enterprises, with large results of immediate benefit to the community, in which the laborers will more than proportionately share. In this Commonwealth, thanks to the wisdom and liberality of earlier legislatures, and to the patriotic munificence of many private citizens, we have the higher institutions of industrial science already strongly founded and widely developed. The promotion of our manufacturing interests and the welfare of working men and women appear to me to require the early establishment of high schools of the mechanic arts and of industrial design, in our cities and larger towns, and the incorporation of manual training among the studies and exercises of grammar schools, in order to give handicraft, familiarity with the use of tools, and a knowledge of mechanical principles to all the youth of the State. It should be borne in mind that when the existing studies and exercises were introduced into the schools of the Commonwealth, by far the greater part of our people lived in isolated houses or in small villages, where every boy had occasion to work, and to learn the use of tools. At the present time, with more than three-fourths of our population gathered into cities and large towns, with little or no opportunity for useful work in the intervals of study, a generation is growing up in Massachusetts without instruction or training of eye and hand. The decay of the apprentice system has

coincided with this change in depriving our youth of the means of acquiring skill in the use of tools and knowledge of mechanical principles, and in driving them more and more into the already overcrowded ranks of those who follow sedentary occupations; while an increasing severity of competition is making it constantly more difficult for the Commonwealth to maintain the advanced position which, from the first, it has held among the manufacturing States of the Union. The admirable results of the schools of sewing and of cooking, which have been established at many places, prove that the benefits of manual training and practical instruction in the public schools need not be confined to the male sex; and point to the gain in domestic economy, in the husbanding of the family income, in the improvement of the public health, in the diversity of occupation and in the cultivation of the sense of social decency, which lie within our easy reach.

MILITIA.

The militia is in good condition and increasing in efficiency. The attendance of officers and men on occasions of duty in 1886 was the largest for many years. The appropriation for the military department for the year 1886 was \$168,200, of which \$154,241.06 was expended; \$147,190.95 being properly chargeable to the militia as pay of troops, armory rents, supplies and salaries of the Adjutant-General and clerks, the balance having been expended on war and naval records, etc. As some sections of the State which are not now represented in the militia desire to be, and as a larger force is deemed by many to be necessary, it is a matter for consideration whether the strength of the militia should be increased either by the equalization of the existing regiments or by the formation of a new regiment.

THE COURTS.

I learn that the justices of the Supreme Judicial Court are much overworked, a natural result of their constantly increasing duties, and that, in many of the counties of the Commonwealth, the business of the Superior Court, both civil and criminal, is greater than can be conveniently dispatched with its present facilities. These courts have the respect and confidence of the people at large.

But in order to maintain their high standard of excellence their work must be accomplished with reasonable dispatch, so that litigants shall not suffer from the law's delay.

The Superior Court was established in 1859 with ten justices. Since that time its jurisdiction has been materially enlarged, and the population of the Commonwealth has increased about eight hundred thousand, while in wealth and valuation there has been an increase of about one thousand millions of dollars; yet during this period of nearly twenty-eight years there have been added but two to the number of its justices, and these twelve are industriously striving to accomplish the impossible task of clearing its necessarily over-crowded dockets.

It does not seem desirable to increase the number of justices of the Supreme Judicial Court; but as a partial relief for that court I would renew the recommendation of two of my predecessors, that jurisdiction of divorce causes be transferred from the Supreme Judicial to the Superior Court. I also recommend legislation to provide for an additional sitting of the Supreme Judicial Court for the decision of questions of law.

The increase of the business of the Superior Court may be met, without any resulting disadvantage, by such addition to the number of its judges as seems to be demanded.

EMPLOYERS' LIABILITY.

You will probably be called upon to pass judgment upon some proposed change in the law relating to employers' liability. It is clear that there should be some modification of the common-law rule; but the difficulty is to make such alteration without causing greater injustice than that which already exists. I believe, however, that some just amendment can be made; and I shall gladly approve an act which is designed to remove the inconsistencies and inequalities which now hinder and defeat justice in the execution of this branch of the law, provided it does not create new inequalities. Such a law should be founded on the principle of impartiality, favoring no class unduly, and neither proscribing nor imposing unjust or unequal burdens upon any kind of honest industry or business enterprise.

TRUSTEE PROCESS.

The trustee process, despite the various amendments which have been made in the laws regulating it, is still open to many grave objections. It encourages debt and discourages buying and selling for cash. It often falls with severity on those unable to bear it, and raises prices to those who should, of all our citizens, have the benefit of the lowest market rates. I trust you will give the subject your careful attention, with a view to modifications which shall compel adherence to a sound and economical cash system.

INSOLVENCY OF SMALL DEBTORS.

Another subject of great importance in this connection relates to the insolvency of small debtors. A debtor owing two hundred dollars can secure the benefits of the insolvency laws, but unless he owes that sum, and can pay the expenses of proceedings in insolvency, he has no way of adjusting his debts. The small debtors should be enabled to free themselves from debt and start anew, as do the manufacturer and merchant.

This subject is well worth your earnest attention, and I trust you will find some method of enabling such debtors, quickly and cheaply, to avail themselves of the provisions of our insolvency laws, from which they are now practically excluded.

EXPERT TESTIMONY.

In connection with questions of legal procedure, I suggest that you consider what change, if any, may advantageously be made in the practice of the courts concerning expert testimony, so called, whereby the difficulties and objections now attending the use of this kind of testimony may be lessened or removed.

CELEBRATION OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES.

I desire to call the attention of the General Court to the approaching celebration at Philadelphia, on the 17th of September next, of the one hundredth anniversary of the adoption of the Constitution of the United States. The report of the Commissioner from Massachusetts to my predecessor will be laid before you, and will inform you

as to the programme agreed upon by the Commissioners of the States and Territories on the second of December last. I respectfully recommend such action on your part as will enable the State to participate in the celebration in a manner worthy of her history, her standing and her character, and appropriate to the important part borne by her in the great event which is to be commemorated.

Senators and Representatives:

I have attempted thus briefly to direct your attention to the principal topics which are likely to engage your attention as legislators. Without discussing these in fuller detail and without presuming to cover the whole field of probable legislation, I confide in your discernment and intelligence, as the representatives of the people of Massachusetts, to wisely grant and no less wisely to withhold legislation, remembering that few and simple laws are best. The people have bestowed on us their confidence and entrusted us for the time being with their political power. Let us so exercise their power as to deserve their confidence. It will be my pleasure to second all your efforts to this end, and I trust that we may so perform our respective duties that neither the illustrious name nor the material welfare of our ancient and beloved Commonwealth shall suffer at our hands.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the Senate and House of Representatives, Jan. 10, 1887.]

I have the honor to transmit herewith to the General Pardons.
Court a report of the pardons granted in 1886, left with
me by my predecessor in office.

OLIVER AMES.

JAN. 5, 1887.

I have the honor to present herewith, in compliance with chapter 50 of the Resolves of 1860, a report of the pardons issued by the Governor, by and with the advice of the Executive Council, during the year of my administration just closing. The number of convicts thus released is thirty-four, of whom ten were in the State Prison, twenty-two in Houses of Correction, one in the Massachusetts Reformatory, and one in the Reformatory Prison for Women. Dangerous illness was the controlling reason for the discharge of six, three of whom died shortly after their release. Two were pardoned because of insanity.

GEO. D. ROBINSON.

No. 1. DAVID H. STODDARD. Convicted of breaking and entering and larceny, Superior Court, Norfolk County, February Term, 1877; four indictments. Sentenced to fourteen years in State Prison. Pardoned Feb. 3, 1886. The Pardon Committee recommended a pardon on these grounds: First — The old age of the prisoner. Second — His infirm health, arising from the debility attending such age. Third — The fact that he had already been imprisoned for a period of nearly ten years, ample punishment for the offence committed. Fourth — He was assured of a good home with his son-in-law, who was able to take good care of him. Fifth — Citizens of high standing in the vicinity of his old home who have known him well recommended the pardon.

Pardons.

No. 2. GEORGE GUYOT *alias* GEORGE SULLIVAN. Convicted of assault with intent to rob, Superior Court, Suffolk County, August Term, 1879. Sentenced to ten years in State Prison. Pardoned Feb. 10, 1886. The Pardon Committee recommended that a pardon be granted because the prisoner had been punished sufficiently considering the crime committed and its attending circumstances, and it appearing that a responsible party was ready to furnish him employment as soon as he was released. At time of the crime the prisoner was young and had been influenced by the bad example of an intemperate father and by vicious associates. During his prison life he had been of good report and shown a purpose to lead a correct life.

No. 3. JOHN CHEISTMAN *alias* CHESTERMAN. Convicted of larceny, Superior Court, Worcester County, Jan. 21, 1886. Sentenced to House of Correction for twelve months. Pardoned Feb. 12, 1886. The Council advised that a pardon be granted. The District Attorney petitioned for it, being convinced that the prisoner was innocent but had been convicted on perjured testimony. The only important witness confessed his perjury and acknowledged his own guilt. There was no doubt that a gross wrong had been done the prisoner, who is a Pole, little acquainted with the English language. The perjured witness was put in arrest and held for trial.

No. 4. JAMES BRADY *alias* JAMES J. BARRY. Convicted of keeping a house of ill-fame and violating the license law, Municipal Court, Boston, Dec. 21, 1885. Sentenced to three months' imprisonment in the House of Correction and to pay a fine of \$200, and costs amounting to \$17.40. Pardoned Feb. 12, 1886. The Council advised that a pardon be granted, it being shown that the prisoner was fatally ill with consumption, confined to his bed with no hope of recovery. His father was present ready to take him to his home in Waterville, Me., and provide for him in his last moments. He died Feb. 19, 1886.

No. 5. CLARENCE O. PERRY. Convicted of arson, Superior Court, Middlesex County, Feb. 23, 1882. Sentenced to House of Correction for five years. Pardoned Feb. 24, 1886. The Council recommended that a pardon

be granted. The prisoner was but 15 years old at the time of commission of the crime. Two months only of his term remained. The selectmen of the towns in which the buildings destroyed had stood, the owners of the buildings, and the District Attorney, all joined in the petition. It was believed that clemency would greatly benefit the prisoner and secure his reformation. Pardons.

No. 6. JAMES H. AMES. Convicted of breaking and entering, Superior Court, Middlesex County, Oct. 26, 1884. Sentenced to House of Correction for two years. Pardoned March 17, 1886, on the ground that the petitioner was in the early stages of consumption, and it seemed that, if longer confined, his disease would result fatally, while if released at once he might recover, and because such pardon was earnestly recommended by the District Attorney.

No. 7. WILLIAM ANDREWS. Convicted of being a tramp, before Trial Justice George W. Wiggin, Franklin, Norfolk County, Jan. 22, 1886. Sentenced to House of Correction for nine months. Pardoned March 17, 1886, on the ground that it appeared at the time of the petitioner's arrest for being a tramp, he was not such in a criminal sense, but was on his way home from Rhode Island, whither he had been for work, and his plea of "guilty" was under a misapprehension of what he should have done. He was of good family connections and had led an industrious life generally.

No. 8. MICHAEL MURPHY. Convicted of murder, second degree, Supreme Judicial Court, Norfolk County, Feb. 19, 1878. Sentenced to State Prison for life. Pardoned March 31, 1886. The prisoner was in the last stages of consumption, and he was pardoned that he might be taken home by his father.

No. 9. JOHN O'NEIL. Convicted of larceny, Superior Court, Suffolk County, October Term, 1885. Sentenced to House of Correction for two and one-half years. Pardoned March 31, 1886, on the ground that the prisoner was suffering from an incurable disease, which, from the testimony of the prison physician, would in all probability terminate fatally. He was taken home to his

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friends, who agreed to care for him in his last moments. He died May 6.

No. 10. HOWARD H. ABBOTT. Convicted of larceny, Superior Court, Suffolk County, December Term, 1885. Sentenced to House of Correction for two years. Pardoned May 12, 1886, on the ground that the prisoner was not a professional thief, but had previously to the time of the offence for which he was arrested had a good character, and because it appeared from the testimony of the officer who made the arrest — Inspector Joseph H. Knox, a prominent detective of the city of Boston — that, considering the offence and the previous character of the prisoner, the sentence was excessive, and because it would be for the benefit of the prisoner and no detriment to the public to release him.

No. 11. MINNIE BARRETT. Convicted of drunkenness, Municipal Court, Boston, Oct. 2, 1885. Sentenced to Reformatory Prison for Women for one year. Pardoned May 12, 1886, it appearing from the statements of S. C. Wrightington, Superintendent of In-door Poor, that the prisoner, who was — by transfer from the Reformatory at Sherborn — in the Lunatic Hospital at Worcester, would be returned by him to her home in Halifax, N. S., and that she was mentally fit for such return, and because such return to her home was for the best interests of the prisoner and the public.

No. 12. ISAAC W. HILL *alias* BROWN. Convicted of larceny, — three convictions, — Superior Court, Middlesex County, July 10, 1878. Sentenced to State Prison for fifteen years. Pardoned May 19, 1886. A pardon was granted because it appeared, in view of the fact, shown by the evidence submitted, that the prisoner was not a hardened criminal, but committed the acts for which he was convicted under the influence of others, and was industrious at his regular work and exemplary in his habits when not under such influence. That the term of his imprisonment up to the time of his release, nearly eight years, seemed sufficient under all these circumstances, and because there was strong probability that with steady employment, which was furnished him by responsible parties, and a home with his mother, his reformation, now

apparent, would be permanent. All persons who suffered from the acts aforesaid were notified of the hearing and neither appeared or offered objection to the pardon. Pardons.

No. 13. CHARLES BENSON. Convicted of breaking and entering, Superior Court, Suffolk County, Feb. 13, 1885. Sentenced to State Prison for five years. Pardoned May 29, 1886, it appearing that the prisoner, a young man, was in the last stages of pulmonary consumption, and his sister, who petitioned for his release, desired to take him to her house and care for him in his last moments. He died in June.

No. 14. JOHN MCGAFFNEY. Convicted of violating license law, Superior Court, Middlesex County, Oct. 30, 1885. Sentenced to House of Correction for six months and to pay a fine of \$50 and costs. Pardoned June 9, 1886, on the condition that he be at once removed to the Massachusetts General Hospital, the ground for his release being his physical condition, which was such that it was absolutely necessary he receive treatment at the above-named institution.

No. 15. HENRY COUILLARD. Convicted of violating license law, Superior Court, Franklin County, March Term, 1886. Sentenced to House of Correction for six months and to pay a fine of \$150 and costs. Pardoned June 16, 1886, for the reason that the prisoner after his conviction and while on his way to the House of Correction, and in custody, was on the train upon the State road which suffered the severe injury on April 7, 1886, and there severely injured, and, notwithstanding, most heroically assisted in saving life and property, and for the further reason that a very large number of his fellow-townsmen prayed for the pardon, as also others who occupy prominent positions of public and private trust.

No. 16. JOHN E. MCSHANE. Convicted of manslaughter, Superior Court, Suffolk County, January Term, 1884. Sentenced to House of Correction for three years. Pardoned June 23, 1886, for the reason that, while the prisoner's act resulted in death, yet it appeared from the evidence before the committee that such result was not contemplated by the prisoner at the time, that he had

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previously borne a good character, and that his release was asked for by many prominent people who knew him and lived in the neighborhood of his home.

Nos. 17 and 18. EDWARD COUGHLIN *alias* HARRIGAN and JAMES CAREY. Convicted of assault, Superior Court, Essex County, Oct. 6, 1884. Sentenced to State Prison for five years. Pardoned July 1, 1886, on the ground that it appeared from the communication of the District Attorney who tried the case, that the offence charged, and upon which the conviction occurred and sentence was imposed, was a much more serious one than that which the prisoners committed, and the same appeared from the statements made by reputable attorneys and witnesses who testified before the committee that the assaulted party and chief witness against the prisoners was notoriously unreliable, and because it was apparent from the above that the prisoners had already been sufficiently punished.

No. 19. JOHN H. KNOWLAND. Convicted of violating the license law, Superior Court, Essex County, Feb. 15, 1886. Sentenced to three months in House of Correction and to pay a fine of \$250 and costs. Pardoned July 1, 1886. The request for the pardon was made by all the members of the Board of Selectmen of Marblehead, where the offence for which the fine was imposed was committed, and also by prominent citizens of that town and the county of Essex, and because it appeared that he was not of perfectly sound mental capacity and was a poor man utterly unable to pay the fine, and because he had almost served out the term of imprisonment imposed.

No. 20. ALFRED E. MEASURES. Convicted of assault and battery, Superior Court, Middlesex County, March 6, 1885. Sentenced to House of Correction for two and one-half years. Pardoned July 7, 1886. The Council advised a pardon, the same having been recommended by the District Attorney and petitioned for by the town officers and a very large number of the citizens of Stoneham where the prisoner resided. The offence for which the sentence was imposed was committed under the influence of intoxication, and as the prisoner promised most solemnly to abstain from the use of intoxicating liquors, and as

neighbors and acquaintances believed that he would abide by his pledge, it was deemed advisable to give him the benefit of a conditional pardon. Pending the inquiry into the merits of the application, the wife and two children and a brother of the prisoner were instantly killed in a railroad accident, and no members of the prisoner's family survive except a little child five years old. For the reasons stated above, and under the influence of this terrible calamity upon the prisoner, a pardon was granted on the grounds of mercy and humanity. Pardons.

No. 21. JEREMIAH REARDON. Convicted of assault, Third District Court, Bristol County, March 15, 1886. Sentenced to six months in House of Correction. Pardoned July 8, 1886. The Council advised a pardon, the same having been recommended by the judge who imposed sentence, and also by many citizens of New Bedford who were neighbors of the prisoner and knowing to all the facts. No injury was inflicted at the time of the assault and the whole matter arose from a family difficulty. It was believed by all who had investigated the matter that the best interests would be served by releasing the prisoner at this time and putting him on his good behavior.

No. 22. ALBERT BLAKE *alias* PHILLIPS. Convicted of assault with intent to murder, Superior Court, Suffolk County, January Term, 1884. Sentenced to House of Correction for three years. Pardoned July 29, 1886. It appeared that only about five weeks more of the term of sentence remained, and responsible parties desired to take the prisoner into their permanent employment and promised to exercise a constant care for his future good conduct.

No. 23. WILLIAM O'DONNELL. Convicted of lascivious cohabitation, Superior Court, Plymouth County, February Term, 1886. Sentenced to two years in House of Correction. Pardoned July 29, 1886, it appearing that during the imprisonment the prisoner had been joined in marriage to the woman with whom he had illegally cohabited, and both of them desired to live together and to take care of their infant child. The District Attorney recommended the pardon.

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No. 24. LOUIS SPEAR. Convicted of vagrancy, First District Court of Eastern Middlesex, June 14, 1886. Sentenced to Massachusetts Reformatory for two years. Pardoned Aug. 5, 1886. The prisoner was an old soldier of honorable record. He was wholly unable to work, body and mind being much enfeebled. His transfer and admission into the National Home for Soldiers at Togus, Maine, was arranged for, and he could be there more comfortably provided for.

No. 25. ANN BURKE. Convicted of receiving stolen goods, Superior Court, Worcester County, January Term, 1886. Sentenced to House of Correction for two years. Pardoned Sept. 22, 1886. It appeared that the prisoner had been transferred from the House of Correction to the City Hospital at Worcester in order to provide proper surgical treatment for her. The physician in charge reported that her disease had so far advanced that she was beyond relief and that her death was liable to occur at any moment. She was taken to her home to receive the care of her family.

No. 26. WILLIAM BLAKE. Convicted of larceny, Municipal Court, Boston, June 9, 1886. Sentenced to House of Correction for six months. Pardoned Oct. 27, 1886, it appearing that the offence was slight and the term of sentence was nearly served. If released the prisoner was to be taken at once to his former home in Canada. His crime was committed while under the influence of intoxication.

No. 27. JOSEPH TATTERSFIELD. Convicted of adultery, Superior Court, Berkshire County, July 21, 1886. Sentenced to House of Correction for eighteen months. Pardoned Oct. 27, 1886. The County Commissioners, District Attorney, Sheriff and others recommended clemency. The prisoner was sick in consumption and unable to work. Charitable persons were ready to provide for him in a hospital upon his release.

No. 28. JAMES H. COOPER. Convicted of breaking and entering, Superior Court, Bristol County, Sept. 14, 1885. Sentenced to House of Correction for two years. Pardoned Oct. 27, 1886. It appeared that the prisoner

had not been in prison before. He was a young man, his offence was slight, and considering his past life the sentence seemed disproportionate. Besides, there was strong reason to trust the prisoner in his intention to lead a correct life. Pardons.

No. 29. WILLIAM H. STRICKLAND. Convicted of an attempt to escape from House of Correction and assault on an officer, Superior Court, Berkshire County, Jan. 30, 1883. Sentenced to State Prison for eight years. Transferred to Massachusetts Reformatory, Dec. 1, 1885. Pardoned Oct. 27, 1886. The prisoner had become insane and had been transferred to a lunatic hospital. While there he did not improve, and the Superintendent of the hospital reported that the only chance for Strickland's recovery was in his release from confinement. The prisoner's family friends, residing in Vermont, were ready to take and provide for him at home.

No. 30. CHARLES OSGOOD. Convicted of breaking and entering, Superior Court, Suffolk County, October Term, 1882. Sentenced to State Prison for five years. Pardoned Nov. 24, 1886. The prisoner had only about twenty days left of his term. His only daughter was lying at the point of death in the City Hospital and was in great distress of mind lest she should never again see her father. He was present with her at the time of her decease, which occurred within twenty-four hours after his release.

No. 31. WILBUR PALMER. Convicted of assault, Superior Court, Bristol County, Sept. 30, 1884. Sentenced to three years in House of Correction. Pardoned Nov. 24, 1886. The prisoner's health was failing and permanent injury was probable, in the judgment of the prison physician, if he were kept to the end of his term. His conduct had been excellent, and prominent officials believed the interests of justice were best served by his release.

No. 32. DANIEL J. DWIGHT. Convicted of murder, second degree, Supreme Judicial Court, Franklin County, May 22, 1876. Sentenced to State Prison for life. Pardoned Nov. 25, 1886, as an act of executive clemency

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on Thanksgiving Day. The youth of the prisoner, his former behavior, his conduct in the prison and his evident determination to lead a correct life were controlling reasons. The person who was jointly convicted with him had become hopelessly insane and had been transferred to a lunatic hospital. Dwight's release was earnestly urged by a very large number of persons who had known him all his life, and who believed he was worthy of clemency.

No. 33. JOHN *alias* GEORGE W. BENWAY. Convicted of polygamy, Superior Court, Norfolk County, April 13, 1885. Sentenced to three years in House of Correction. Pardoned Dec. 1, 1886. It appeared that the petitioner's wife had been divorced, and that he was desirous and ready to marry the woman to whom he was married, and with whom he lived for many years as his wife under, as appeared at the hearing, the belief that his first wife was dead. The crime was committed by petitioner ignorantly, he believing his wife was dead, and he had, therefore, been sufficiently punished. The result of his release and re-marriage as above stated will be to make legitimate the children born while living with said woman as his wife.

No. 34. DWIGHT MANLEY. Convicted of larceny, Superior Court, Hampden County, May 14, 1886. Sentenced to fifteen months in House of Correction. Pardoned Dec. 1, 1886, for the reason that the petitioner's health was such that further confinement and prison life would seriously impair it, and for the further reason that it appeared the crime for which he was convicted was committed under the influence of great despondency caused by ill-health, and because of the deep and sincere repentance of the prisoner, and evident reformation, and because the release was requested by prominent citizens of Springfield.

[To the Senate and House of Representatives, Jan. 18.]

Proposed enlargement of State House.

I have the honor to transmit herewith to you for your information and use a copy of the order adopted by the Executive Council on Jan. 5, 1887, in conformity with the provisions of Resolve chapter 87 of the year 1886, said resolve having relation to a proposed enlargement of the State House, and also some of the reasons and facts upon which the conclusions stated in the order are based:—

COMMONWEALTH OF MASSACHUSETTS.

COUNCIL CHAMBER, BOSTON, JAN. 5, 1887.

Proposed enlargement of State House.

Ordered, That upon consideration of the provisions of Resolve chapter 87 of the year 1886, the Governor and Council recommend to the General Court the enlargement of the State House by the erection of a substantial and commodious structure in the rear of and in connection with the present building, and for such purpose the estates No. 82 Temple Street, Nos. 13 and 15 Mount Vernon Street, and all the estates on Mount Vernon Street between Temple and Hancock Streets, and running back to the Reservoir lot, so called, be taken, and that Mount Vernon Street between Temple and Hancock Streets be closed.

Further, that to protect the State House from the danger of injury to its present outlook and appearance by the erection of lofty structures on the easterly and westerly sides of the present grounds, and for the purpose of extending Hancock Street through to Beacon Street, the estates bounded southerly by Beacon Street, easterly by Bowdoin Street, northerly by the Way estate, now owned by the Commonwealth, and westerly by Mount Vernon Street, and the estates known as Nos. 8, 10 and 12 on Mount Vernon Street, and Nos. 1, 2, 3, 4, 5 and 6 on Hancock Avenue, and Nos. 27 and 28 on Beacon Street, be secured for the use of the Commonwealth, the buildings to be removed at such time as shall seem to be for the best interests of the Commonwealth.

Further, that His Excellency the Governor be requested to communicate these recommendations to the Legislature, with such reasons and facts in support thereof as shall appear to him to justify the conclusions reached by the Governor and Council.

In Council: Adopted, Jan. 5, 1887.

HENRY B. PEIRCE, *Secretary*.

SECRETARY'S DEPARTMENT, BOSTON, JAN. 5, 1887.

A true copy:

HENRY B. PEIRCE,
Secretary of the Commonwealth.

It is generally recognized that the extension of the State House in some way is a public necessity. I think the plan recommended by the Council of 1886 is the best that can be devised, and that it is in harmony with the resolve of the Legislature. It preserves the front, and makes the addition in one solid mass to the rear. This will make a more convenient building than if the addition is made to the wings. It will be much less expensive than any other plan that can be devised, as it will require less land, and will interfere with but few comparatively

Proposed enlargement of State House.

valuable buildings, and it will not obstruct the line of commercial travel, present or prospective. In this case the best way is also the most economical.

It is clear from the condition of the land around the State House that the extension by wings on Beacon Street would be much more expensive, and, besides, it would destroy the historical identity of the present State House, in which we all have a pride and interest, and give us an unshapely and inartistic structure in place of one that is symmetrical and in good taste.

By this plan it is not absolutely necessary to acquire the land on Hancock Avenue, or between Mt. Vernon Street and Bowdoin Street, south of the Commonwealth building, in order to erect the addition, but it will be necessary to take the land in the rear of the State House on Mt. Vernon Street, Nos. 13 to 29 inclusive, these having an assessed value of \$288,500, and estate No. 82 Temple Street, which is assessed at \$8,500, a total valuation of \$296,800.

The recent erection of a very high apartment-house at the corner of Beacon and Joy Streets shows the danger that the land on Hancock Avenue and Bowdoin Street may be used in the same way, and thus not only dwarf the State House, but greatly increase the risk of its serious damage or its total destruction by fire. To provide against this contingency, it is better for the State to purchase this property for control, and keep it as it is, or otherwise dispose of it as may be thought advisable. This property has an assessed valuation of \$551,000, and, if it is purchased, the income from it will prevent its being a burden to the State, if it is kept in its present condition. All the buildings that will have to be removed to make room for the proposed extension will be those on Mt. Vernon Street, immediately in the rear of the State House.

The extension of the building in the rear will secure for it ample light on its east, west, and north sides, and there will be no possibility of the erection of structures that will cut it off. If, in addition, the simplicity of the present structure is preserved, the cost of construction will be very moderate, and the symmetrical proportions of the present structure could be maintained without causing it to be altered materially. The old and the new parts of the building could be connected without the

appearance of "patching," and the interior architectural arrangements could easily be made to conform with those in the existing building. If lateral wings are added, the apartments in the east and west wings of the present State House must be radically disturbed, if not entirely reconstructed.

Proposed enlargement of State House.

I therefore recommend to your consideration the plan approved by the Governor and Council of 1886, and respectfully suggest that it is a matter in which prompt action may advantageously be taken.

[To the Senate and House of Representatives, Feb. 9.]

In my inaugural message I referred briefly to the fact that an agreement had then been recently made for the consolidation of the property and franchise known as the Troy and Greenfield Railroad and Hoosac Tunnel, with the connecting line owned by and in possession of the Fitchburg Railroad Company, in accordance with the provisions contained in chapter 297 of the Acts of the General Court for the year 1885. This agreement was executed by the Governor and Council in behalf of the Commonwealth, and by the President and Directors of the Fitchburg Railroad Company in behalf of that corporation, on the fifth day of January, and has since been ratified by the stockholders of that company. The arrangement thus consummated is a long step towards the complete execution and development of the plan upon which and for which the Troy and Greenfield Railroad was incorporated, and to aid which the Commonwealth has contributed so largely the capital required.

Consolidation of Troy and Greenfield Railroad and Hoosac Tunnel with Fitchburg Railroad Company.

The history of the State's connection with the construction of the road and Tunnel is well known. In 1876, at the opening of the Tunnel for general business, the State found itself in possession, as mortgagee for purposes of foreclosure, of a line of railroad forty-four miles in length, of which four and three-quarter miles was a tunnel. For the construction of this property it had advanced substantially the entire cost, and its title was subject to a right of redemption at any time within ten years by the original stockholders in the railroad company, upon terms which were not accurately defined. Considered as a railroad property, the line had but little local business, and its most important use and nearly all its financial value, present or prospective, was as a connecting link be-

Consolidation
of Troy and
Greenfield Rail-
road and
Hoosac Tunnel
with Fitchburg
Railroad Com-
pany.

tween the railroad systems to the east and those to the west of it.

By chapter 77 of the Acts of 1875 the Legislature decided to allow the use of the road by all railroad companies whose roads connected with it, directly or over intervening railroads, under the direction of a manager, upon the payment of equal tolls, to be fixed by the Governor and Council from time to time. This arrangement continued with little change of its essential features till 1880, with but little satisfaction to the State or the railroads concerned.

By chapter 261 of the Acts of the year 1880 a change was made by which contracts lasting for seven years were authorized to be made for the operation of the State's road by connecting roads. Under this act contracts were made with the Fitchburg Railroad Company and the New Haven and Northampton Railroad Company for operating that portion of the road east of North Adams, and with the Troy and Boston Railroad Company, and Boston, Hoosac Tunnel and Western Railroad Company, for operating that portion west of North Adams. By the terms of these contracts the Commonwealth bore the expense of maintenance of way and station service; the operating roads bore the transportation expenses, and retained from freight money and fares collected the cost, based on the provisions of the contract, paying over to the Commonwealth what remained for its share.

According to this statement, which has been carefully prepared, the results to the Commonwealth from the operation of the road under these contracts, as finally adjusted, have been as follows for the several railroad years:—

	Receipts.	Payments.	Income.
1881.	\$200,390 78	\$183,296 41	\$17,094 67
1882.	197,803 70	171,064 18	26,839 52
1883.	293,413 93	168,514 68	124,899 25
1884.	291,687 22	219,026 12	72,641 10
1885.	313,964 27	261,756 96	52,207 31
1886.	383,765 56	270,417 60	113,347 96

All the above income, except that for 1886 and a large amount in addition, has been expended in double tracking the road and in other permanent improvements. Probably more than the whole of the net earnings of 1886 has been absorbed by the expenses of the accident near Bardwell's Ferry.

The amount expended in double tracking, beginning in 1879, is		\$991,133 00	Consolidation of Troy and Greenfield Railroad and Hoosac Tunnel with Fitchburg Railroad Company.
From Troy & Greenfield R.R. fund,	\$85,000 00		
From earnings of road,	125,581 00		
From treasury of the Commonwealth,	780,552 00		
		\$991,133 00	

At the session of the General Court for 1884 (by Resolve, chapter 67) the Governor and Council were requested to consider the relations of the Commonwealth to the Troy and Greenfield Railroad and Hoosac Tunnel, and report to the next session of the Legislature such recommendations and suggestions as they might deem expedient respecting its future management or disposition. The subject was taken into careful consideration, and the conclusions of the Governor and Council were communicated to the General Court at the session of 1885 by my predecessor, Governor Robinson, in a special message, February 3, in which the respective advantages of a sale and of a consolidation were clearly stated.

During this session, chapter 297 was enacted and duly approved by the Governor, June 5, providing for a consolidation of the Commonwealth's property with that of either a new corporation, which might be formed within three months, or an existing corporation or corporations, which should form with the State road a continuous line of railroad from the seashore to the boundary of the State in Williamstown.

At the expiration of the time fixed by the act no corporation had been formed. The Governor and Council went on to investigate the subject-matter and inform themselves fully as to capacity and condition of the various lines between the State road and the seashore on the east, and between the road and sufficient outlets on the west. A special examination was made of the Fitchburg line, as well as of the Central Massachusetts and its possible connections. These examinations were not completed until near the time of assembling of the General Court for 1886. For obvious reasons of propriety the matter stood without further action during the session of 1886. No further legislation was deemed necessary by the General Court, and during the fall a proposition for consolidation was received by the Governor and Council from the Fitchburg Railroad Company. The matter was referred to a committee of the Council for examination and recommendation.

Consolidation
of Troy and
Greenfield Rail-
road and
Hoosac Tunnel
with Fitchburg
Railroad Com-
pany.

The representatives of the Lowell, or Central Massachusetts line, were also advised that propositions from them would be received and entertained by the Governor and Council. Instead of making a bid they asked the Governor and Council to name a minimum price for the State's interest. They were informed that the Governor and Council would not accept less than \$5,000,000 cash value. The Lowell Company replied, "that under these circumstances the Tunnel and Troy and Greenfield Railroad were greater luxuries than they could afford to indulge in at present." Negotiations with the Fitchburg Company terminated in an agreement which, on the fourth of January, was reduced to writing, and on the fifth was executed in the form hereto annexed.

Under the provisions of the act it was considered that the negotiations should be conducted with a view to a consolidation of property and union of interests, rather than a sale: and they were so conducted, and the agreement completed from this point of view.

I believe that this consolidation is just and fair to both parties. The Commonwealth receives at once that to which it is fairly entitled from the legitimate earnings of the property under able management. The Commonwealth's share in the present earnings has been secured by a rate of interest on the bonds which has been so fixed as not to overburden the line by an excessive amount of fixed charges, thus avoiding all necessity for unduly overcharging patrons of the line, upon whom largely any undue burden must inevitably fall.

The Commonwealth's holding of common stock secures a larger interest in the anticipated future increase of value in the consolidated line than the present earning capacity would warrant. It constitutes, however, a fair allowance for the great cost of the Tunnel and its value as a connecting link in the system. This stock shares equally with the preferred all earnings above the fixed dividend on the preferred stock, and it is believed that this arrangement secures a union of interest between the two classes of stock which will be valuable in the future management of the property.

No provision was made in the act of the Legislature to secure a representation of the State's interest in the management of the road. Both parties to the agreement concurred in the view that there should be such direct

representation, and the representatives of the railroad company undertook by a supplementary agreement to apply for the necessary legislative authority. I recommend this matter to your prompt attention for such action as you find the public interests require.

Consolidation of Troy and Greenfield Railroad and Hoosac Tunnel with Fitchburg Railroad Company.

An incidental, but important, result of the consolidation is, that under the provisions of the act the sinking funds of the Commonwealth have been so far increased as to make it certain that they will be sufficient in the aggregate, with their ordinary accumulations, for the payment of the entire debt of the State at maturity. As the debt falls due and is paid from year to year, commencing in 1888, a considerable and welcome relief will be furnished the tax-payers in the steady reduction and final disappearance of the item "Interest on Debt" in the annual estimate of the necessary expenditure of the Commonwealth.

As a consequence of the action taken, it seems clear to me that the principal and leading purpose for which the Commonwealth entered into this undertaking, viz., the establishment of a strong through line of railroad from the seashore to the Hudson, is now assured.

[See House Document, No. 57.]

[To the Senate and House of Representatives, March 1.]

I have the honor to transmit to you herewith the invitation of the State of Ohio for the Commonwealth of Massachusetts to participate in the celebration commemorative of the termination of the first century of Ohio's settlement, which is to occur in the autumn of the year 1888.

Celebration of first century of Ohio's settlement.

[See Senate Document, No. 59.]

[To the Senate and House of Representatives, March 10.]

Recent events have called my attention to two serious defects in the laws relating to the sale of intoxicating liquors, both of which, I think, should be remedied by some action on your part.

Sale of intoxicating liquors.

One of these is the decision of the Supreme Court that the laws in relation to fraudulent voting do not apply to the taking of the vote upon the question of granting licenses for the sale of intoxicating liquors. If this vote is to be taken at all, it ought to be honestly cast and counted. In many of the cities and towns of the Commonwealth this is one of the most important of the ques-

Sale of intoxicating liquors.

tions that come up for action at the annual meetings for the transaction of local affairs, and every reason which exists for providing proper safeguards for the taking of votes for officers apply with equal force to the taking of this vote.

The other grew out of the recent labor troubles in Cambridge. While they were in progress, his Honor the Mayor of that municipality issued an order requiring the saloons to be closed. The reason for desiring to prevent the sale of intoxicating liquor to men who were already in a state of great excitement is too obvious to require more than the mere statement. In compliance with the Mayor's orders some of the saloons were closed; the proprietors of others denied his Honor's authority to place any such restriction upon them, and refused to close their places. It is unquestionably true that there is no existing provision of law giving authority to municipal officers to close the saloons in such an emergency, but it is highly desirable that those controlling the police force should have authority to close all saloons should a riot occur, or should there be such a public disturbance as to warrant the belief that life and property are about to be endangered.

[To the Senate and House of Representatives, April 11.]

Contagious diseases among domestic cattle.

I have the honor to transmit to you herewith, for your information and use, certain documents which I have just received from Hon. Norman J. Colman, Commissioner of Agriculture at Washington, D. C. They are: Copy of an act of Congress for the establishment of a Bureau of Animal Industry to prevent the exportation of diseased cattle and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, and draft of an act to co-operate with the United States in the suppression and extirpation of pleuro-pneumonia.

I would advise that such action be taken by you as may be considered for the best interests and complete protection of the people of this Commonwealth from a danger that is already menacing them, and that may at any time become imminent unless proper precautions are had.

[See House Document, No. 274.]

[To the House of Representatives, May 21.]

I herewith return to the House of Representatives, where it originated, a bill entitled "An act to incorporate the town of Beverly Farms," together with my objections thereto.

Incorporation
of town of
Beverly Farms.

If it involved only the question of the division of the town of Beverly, I should hesitate to set up my opinion against that of the Legislature; but under your recent investigation, now familiar to the public, it appears that very large sums of money, altogether disproportionate to the honest necessities of the case, have been raised and expended in the promotion of the passage of the bill.

While, of course, no member of the Legislature has taken, or would take, money for his vote, yet some \$20,000 have been spent to indirectly influence the action of the Legislature. It is no excuse that such things, or worse, have happened before without exposure. This time the abuse has been investigated, exposed and rebuked in scathing terms by the committees of both Houses. I regard it as my duty to the Commonwealth and to the maintenance of a wholesome public sentiment in behalf of legislation which shall be above suspicion, to act upon the reports made by these committees and adopted by their respective Houses, and to strike emphatically at the evil thus unearthed. Not to do so is to excuse and encourage a monstrously bad and corrupting practice.

I believe that the Legislature, which had committed itself to the bill before exposure of the methods of its promotion, will agree with me that it is better that the Executive, approaching it for the first time and finding it tainted with offensive furtherances, should veto it. I cannot doubt, too, that on reflection the committee which seeks division, and to which we look for so many of the elements of good citizenship, will gladly sacrifice, or at least delay, any present convenience for the sake of an emphatic lesson in the public behalf.

If, as seems to be true, both sides have been guilty (which almost makes me sympathize with the judge who wanted to decide against both parties), so much the worse; two wrongs do not make a right. It is a just, as well as an equitable maxim, that those on whom is the burden of making out a case shall come with clean hands, and not seek to excuse the lack of them on the ground that an opponent's are soiled. It seems a fitting opportunity to enforce the principle that, in order to ensure leg-

Incorporation
of town of
Beverly Farms.

isolation, the thing to do is to show a good case on its merits; and that it is not only not necessary, but detrimental, to rely on pecuniary influences such as have been disclosed in the committee's reports.

I am sure that the pernicious system therein set forth is offensive to nobody so much as to the members of the Legislature, and that you will heartily co-operate with me in hitting it a blow in the interest of more decent methods, and in furtherance of the suggestion in your own reports on the subject to which I call attention.

Your committee closes its report with these words: "Legislation cannot be pure unless free and untrammelled by insidious influences. These influences, however, wherever, or by whomsoever exerted, should be and *must* be emphatically and sternly condemned."

The Senate committee say: "It is to be greatly regretted that there has been a growing demoralization in the methods pursued in promoting private bills and private interests before the General Court, deserving the strongest condemnation and the most effective remedy."

"The strongest condemnation and the most effective remedy" I can apply is a veto.

If the system, thus condemned, is to prevail and to be justified by executive approval of bills to which it has been most notoriously and offensively applied, then the lobbyist will understand it is an accepted and permissible system, involving no risk except that of being called hard names in a report.

The reputation of the Legislature of Massachusetts for honesty and probity is deservedly so high, that it should not miss this opportunity for reconsideration, with a view to denounce and condemn in the most emphatic manner anything that tends to discredit it.

[To the Senate and House of Representatives, May 31.]

Building for
isolation of
convicts at State
Prison.

It is important that an appropriation should be made by the present Legislature for the erection of a separate building upon the grounds of the State Prison at Charlestown, for the temporary isolation of such of the convicts as disturb the other inmates of the prison by shouting and other demonstrations of lawlessness. At present the few strong cells, in which such convicts must necessarily be placed for punishment, are directly under the hospital of the prison, and the noise made in them is plainly audible, not only to the sick but to many others.

Under the humane treatment of convicts in our State, all wanton disturbances of the quiet and discipline of the prison are punishable only by solitary confinement, with the deprivation of tobacco, and a reduction of the food of the offenders. In justice to the officers of the prison and to the large majority of the prisoners themselves, whose conduct is, in the main, exemplary, as well as for the prompt and effectual suppression of such violations of law and order, a separate place of confinement should be erected at a proper distance from the other inmates of the prison.

Building for
isolation of
convicts at State
Prison.

Although such outbreaks upon any extensive scale are of comparatively rare occurrence, yet the want of such an isolated building has been several times felt in the past, and cases of individual disturbance, to the great discomfort of others and the manifest detriment of good discipline, are not uncommon.

Nearly all the material for the foundation and walls of a suitable building are upon the grounds of the prison, consisting of granite and other stone for which there is now no use, and bricks in the old chimney which is to be rebuilt can also be utilized for this purpose at a great saving of cost to the State. The work can be done almost wholly by the prisoners themselves, thus furnishing steady employment for some time to a considerable number who are at present unemployed.

It is believed that a suitable building with forty cells would answer every purpose, and that the cost of its construction would not, probably, exceed twenty thousand dollars. I recommend an appropriation of that sum for the purpose herein set forth.

[To the Senate, June 14.]

I herewith return to the Honorable Senate, in which it originated, a resolve entitled "A Resolve in favor of unpaid veterans of the town of Acton," with my objections thereto.

Unpaid veterans
of town of
Acton.

The Legislature of 1882, by chapter 93 of its Acts, authorized the town of Acton to raise by taxation and pay to each of these veterans a sum of money not exceeding \$125, but it specially provided "that said town shall not be reimbursed by the Commonwealth for any money paid under the authority of this act." The Legislature of 1872 and that of 1880 gave *leave to withdraw* on petitions

Unpaid veterans
of town of
Acton.

praying for an act like that granted in 1882. The Supreme Court has declared that act unconstitutional and void.

By *this* resolve it is now sought to have these veterans paid directly from the treasury of the Commonwealth.

The Chief Justice, in delivering the opinion of the Court concerning the payment of the same soldiers under the Act of 1882, used the following language: "It is not contended that there was any promise by the town, or by any one acting on behalf of the town, to pay any bounty to these soldiers at or before their re-enlistment. Indeed, the town could not then legally pay, or promise to pay, bounties to these men." Statutes of 1863, chapter 91. . . . "The town has made no promise to these soldiers, and is not under any obligation to pay them any bounties. The purpose is not to repay any sums advanced to them as inducement to enlist. The bounty to be paid cannot be regarded in the light of compensation for services rendered: for their services as soldiers were not rendered to the town, and the town had nothing to do with their compensation. The war has been over for many years, and the payment of these bounties cannot encourage enlistments, or in any way affect the public service or promote the public welfare. The direct primary object is to benefit individuals, and not the public. In any view we can take of the statute, the payments it contemplates are mere gratuities or gifts to individuals. . . . This a town has not the power to do, even with the sanction of the Legislature. A statute conferring such power is unconstitutional, because it authorizes raising money by taxation for the exclusive benefit of particular individuals, and appropriates money for a private purpose which can only be raised and used for public objects."

Is the Commonwealth under any obligation, even if it has the constitutional right, to pay these soldiers each a bounty of \$125? The State, by chapter 254 of the Acts of the year 1863, promised a bounty to these soldiers for re-enlistment, and it has kept that promise and has paid as follows: -

To 13 were paid	\$325 00 each,	. . . . .	\$4,225 00
14 " "	447 33 each,	. . . . .	6,262 62
1 was paid	564 00	. . . . .	564 00
1 " "	410 00	. . . . .	410 00
1 " "	359 33	. . . . .	359 33
1 " "	427 33	. . . . .	427 33
<hr/>			
31		Total,	\$12,348 28

making an average to each soldier of \$398.33. They also received from the United States Treasury for such re-enlistment \$402.00 each, making \$12,462.00, which added to the payments of the Commonwealth, \$12,348.28, makes \$24,810.28. These veterans re-enlisted January 1, 1864, and were mustered out of the service August 26, 1865, after having served for a period of nearly eighteen months, and they had already each received in bounties from the Nation and the State an average sum of \$800.33.

Unpaid veterans
of town of
Acton.

If it is unjust and unconstitutional to tax the citizens of Acton, who received the benefit and credit for such re-enlistment, to pay a bounty to these soldiers, it seems all the more unjust and a greater violation of the spirit of the Constitution to tax the people in the various municipalities of the Commonwealth for such purpose. I cannot believe it was the intention of the framers of the Constitution to authorize the Legislature, *even*, to *give away* the people's money.

It cannot be claimed that there is any legal or equitable obligation on the part of the Commonwealth to pay a bounty to these soldiers. If the Commonwealth is to make a gift to the veterans of Acton, will it not also be called upon to pay to the many towns which have paid bounties to veterans under similar acts to chapter 93 of the Acts of the year 1882, and to every soldier who has not already received a bounty from a town or city? And will not an attempt to equalize bounties be indeterminable and impossible?

In my judgment, it is not necessary for Massachusetts, at this late day, to enter upon such doubtful and dangerous legislation, in order to prove her fidelity to the veterans of the war; for she has a record in the care and treatment of her soldiers and their families of which she has no cause to be ashamed.

I cannot approve this resolve, and, therefore, ask that the same may be reconsidered.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 148, Sect. 14, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts in their respective Counties: —

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1886.			
Jan. 4,	Annie Crawford,*	Annie Scott,	Boston.
4,	Arthur Lyons,*	Arthur Tripp Horn,	Boston.
11,	Sybil Dent,*	Sybil Velzora Paine,	Boston.
11,	Adell Dudley,*	Adell Watkins,	Boston.
18,	Ella Mahoney,*	Henrietta Ella Brown,	Lynn.
18,	Daniel McDonald,*	Henry Cassidy,	Boston.
Feb. 1,	Willie Stewart Hennigar,*	Freddie Stewart Colburn,	Boston.
1,	Mattie Isabel McLearn,*	Mattie Florence Wyatt,	Boston.
15,	Charles Porter Janes,	Charles Porter Jaynes,	Boston.
23,	Ellen Colwell,*	Fannie Elizabeth Wheaton Saunders,	Boston.
Mar. 1,	Harry Francis,*	Murry Elmore McFarland,	Boston.
15,	Andrew Weleh,	Andrew Bertram Sargent,	Boston.
22,	George Mirillo Bartol Turner,	George Bartol Turner,	Boston.
29,	Mary Jane Pratt,*	Gracie Burnham Williams,	Boston.
April 5,	Evelyn Garland Annable,*	Evelyn Annable Richardson,	Salem.
5,	Samuel Cartwright Gould,	Samuel Gould,	Boston.
19,	Mary Ellen Price,*	Mary Ellen Dawson,	Boston.
May 3,	Mary Agnes Donovan,*	Edith May Pierce,	Boston.
3,	Frederica Maynard,	Alice Frederica Maynard,	Boston.
10,	George Martin,*	George Haney,	Boston.
10,	Vivien Beatrice Page,*	Vivien Beatrice Bailey,	Manchester, N. H.
10,	Mary C. Turner,*	Mary Eliza Brown,	Boston.
17,	Susan Maria Sawyer,	Susan Maria Felton,	Boston.
17,	Addie May Tarbox,*	Addie May Goodrich,	Boston.
24,	Estelle Wood Jackson,*	Luella Edwinie Estelle Tabor,	Boston.
June 1,	David Lockhart McNutt,	David Lockhart Hanley,	Boston.
1,	Max Nachman,	Max Newman,	Boston.
7,	Clara Putnam Bowker,*	Mildred Hingdon Fogg,	Boston.
14,	Louis Albert Myerson,	Louis Ross Myerson,	Boston.
14,	Mary Alice Sharp,*	Ethel Maud Cory,	Boston.
28,	Pauline Colgan Lovell,*	Aline Morey,	Boston.
July 6,	William Joseph Sullivan,	William Joseph Saunders,	Boston.
12,	Jacob Pfaff Clark,	Jacob Pfaff Gardner,	Boston.
19,	Emma Dwinal Russell,*	Emma Adele Russell Emer- son,	Boston.
Sept. 6,	—— Doyle,*	Queeny Morgan,	Revere.
13,	Ethelinda Fogg,*	Ethelinda Forbes,	Boston.
20,	Edward Franklin Jabsley,*	Edward Franklin Christopher,	Boston.

* Changed by reason of adoption.

SUFFOLK COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Deceeed.	Residence.
1886.			
Oct. 4,	Rudolph Lipschutz,	Rudolph Libby,	Boston.
11,	Robert Dickson Smith, Jr.,	Robert Dickson Weston Smith,	Boston.
18,	David Blair,*	Robert Legume Hudson,	Boston.
18,	George Bradley,*	George Frederick Hutchins,	Boston.
18,	Arthur Fletcher Williams,	Fletcher Lambert Williams,	Boston.
25,	Elizabeth Newton Dennis,*	Mabel Viola Vornbeck,	Boston.
25,	Edith Johnson,*	Florence Mabel Marsh,	Boston.
25,	Nellie McGrath,*	Lilian Grace Gerrold,	Boston.
25,	Annie McKenna,*	Ellen Josephine Gilmore,	Boston.
25,	Sarah Roundy,	Sarah Roundy Williams,	Boston.
Nov. 8,	Frederick Jackson,*	Frederick Jackson Bell,	Boston.
8,	Francis B. Kossman,*	Francis Kossman McGrath,	Boston.
8,	Lilly M. Kossman,*	Lilly Kossman Burnham,	Boston.
15,	Charles A. Johnson,*	Henry Louis Grosslaub,	Unknown.
15,	Maria Lynn,*	Helen Gertrude Soule,	Unknown.
15,	Burton Wiswell,	Andrew Burton Wiswell,	Boston.
29,	William Johnson,*	William James Hunt,	Boston.
Dec. 13,	Mary Burgess,*	Mabel Gifford Fenner,	Boston.
20,	Elizabeth Paine Patch,	Elizabeth Paine Claggett,	Boston.
20,	Frederick Waters,*	Frederick Waters Rowe,	Boston.

ESSEX COUNTY.

Jan. 18,	Sarah A. Lambert,*	Annie Augusta Dodge,	Salem.
18,	Maud McNey,*	Maud Eliza Fiske,	Boston.
Feb. 1,	Lillian D. Ingalls,*	Helen Weston Palmer,	Lynn.
15,	Henry Wells,*	Henry Arthur Cogswell,	Saratoga, N. Y.
Mar. 1,	Mary Allen,*	Eva May Smith,	Gloucester.
15,	Mary Miller,*	Ida Florence Miller Cook,	Boston.
15,	Mary L. Gillen,*	Mary Louisa Berry,	Haverhill.
15,	Florence L. McKenney,*	Florence Lena Murphy,	Lynn.
22,	Agnes C. Maxwell,*	Agnes Catherine Andrews,	Haverhill.
April 5,	Annie M. Gillen,*	Annie May Copen,	Haverhill.
26,	Nancy E. Rowell,*	Ethel Lewis,	Lynn.
May 3,	Genevieve C. Kent,*	Genevieve Caroline Smith,	Salem.
17,	Elliot O. Foster,*	Elliot Orman Hopkins,	Danvers.
24,	George W. Bousley,*	George Winthrop Story,	Salem.
24,	Emma M. Porter,*	Emma Maud Todd,	Amesbury.
June 7,	Maud Cole,*	Eunice Ryder Clukey,	Boston.
7,	Harriet M. Dockum,*	Lillian Boardman,	Newburyport.
7,	Alice M. Hood,*	Alice May Hamilton,	Ipswich.
14,	Mary A. Roche,*	Harriet Estella Fellows,	Haverhill.
14,	Earnest A. Uberschurtz,	Earnest Albert Wiedman,	Lawrence.
July 6,	Ruport D. Ford,	George Carlton Ford,	Amesbury.
6,	David N. Scanton,	David Nathaniel Powell,	Beverly.
Aug. 2,	Susan E. Bickford,*	Eva Gertrude Higgins,	Beverly.
Sept. 6,	Mary J. Montgomery,*	Mary Jane Burke,	Newburyport.
6,	John H. Montgomery,*	Fred Webster Montgomery,	Newburyport.
Oct. 4,	Wilbur A. Reed,	Wilbur A. Coolidge,	Lynn.
25,	Frances Colby,*	Frances Colby Rowe,	Manchester.
Nov. 8,	Mary A. Marcoux,*	Mary Angeline Marcoux Sweatt,	Haverhill.
Dec. 6,	Ethel M. Fisk,*	Ethel May Fisk Jones,	Salem.
6,	Albert Gilmore,*	George Greenwood,	Providence, R. I.
20,	Fannie V. Campbell,*	Fannie Campbell Cook,	Lynn.
20,	Alice M. Dunbar,*	Alice May Drew,	North Andover.
20,	Hattie F. Webster,*	Florence Laura Abbott,	Lawrence.

* Changed by reason of adoption.

MIDDLESEX COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1886.			
Jan. 5,	Sarah Bell Walker,*	Sarah Bell Drury,	Wakefield.
5,	Samuel Thomas Kirkpatrick,	Samuel Thomas Kirk,	Somerville.
5,	Ida Helen Kirkpatrick,	Ida Helen Kirk,	Somerville.
5,	Royden Clark Kirkpatrick,	Roydon Clark Kirk,	Somerville.
5,	Hazel Ida Kirkpatrick,	Hazel Ida Kirk,	Somerville.
5,	Edith Winifred Kirkpatrick,	Edith Winifred Kirk,	.....
12,	Lottie Martha O'Neil,*	Mary Elizabeth Houghton,	Boston.
19,	Thomas Hobart Hyde,*	Wallace Hyde Lingley,	Boston
26,	Jane Agnes Murphy,*	Jane Agnes Murphy Heaphy,	Hopkinton.
26,	Freeman Hinckley Sampson,	William Freeman Sampson,	Cambridge.
Feb. 9,	Mary Hogan,*	Lillian Viola Bailey,	Boston.
9,	Rubie May Fletcher,*	Rubie May Oliver,	Brunswick, Me.
23,	Mary Alice Bulkley,	Alice Marean Bulkley,	Concord.
Mar. 2,	Thomas Strong,*	Thomas Benjamin Jones,	Boston
9,	Mary Elizabeth Henry,*	Mary Elizabeth Hart,	Melrose
16,	Annie Smith,*	Gertrude Ethel Small,	Boston.
16,	James Edward Tubbs,	James Edward Wilson,	Marlborough.
23,	James Keenan,	James Henry Parks,	Cambridge.
23,	Kate Gleason,*	Mary Catherine Hart,	Somerville.
April 6,	Percy Warner,*	Frederick Wayland,	Lowell.
6,	Maud Mayhew,*	Winifred Maud Twiss,	Reed's Ferry, N.H.
13,	William Irwin,*	Arthur Middleton,	Liverpool, Eng.
13,	Ida May Downing,	Ida May Govan,	Medford.
27,	Susie Olena Goodwin,*	Susie Olena Brown,	Cambridge.
27,	Minnie B. Sullivan,*	Minnie Braley McMeeken,	Boston.
May 4,	Emily Gray,*	Emily Hunt,	Concord.
4,	Annie Mary Wigg,	Annie Mary Glover,	Dracut.
11,	Robert Everett Carlyle Robin- son,	Carlyle Robinson Hayes,	Boston.
25,	William Benson Chandler,	William Benson Allen,	Everett.
25,	Mary Kate Peck,*	Katie May Morse,	Petticodiac, N.B.
June 1,	Eleazer Hamilton,*	George Hamilton Harris,	Cambridge.
1,	Charles Brown,*	Charles Brown Beattie,	Winchester.
8,	Mary Welch,*	Theresa Dolan,	Chelsea
22,	Nina Glive,*	Mabel Crawford Barket,	Somerville.
22,	Charlotte E. Skidmore,*	Charlotte Emily Emerson,	Boston.
22,	Zolpha Gertrude Johnson,*	Zolpha Gertrude Harris,	Lynn
July 6,	Benjamin Petterson,	Benjamin Petterson Watson,	Tewksbury.
13,	Eva L. Crimmins,*	Martha Middlemas,	Somerville.
13,	Fannie House,*	Grace Mary Smith,	Boston.
20,	Bertha Hennessey, <i>sometimes</i> <i>called</i> Bertha Mackay,*	Bertha Ann Wild,	Portsm'th, N.H.
27,	Florence Gaylor,*	Ella Florence Andrews,	Medford.
27,	Catherine Gould,*	Catherine Danahy,	Cambridge.
27,	Caroline Connors,*	Carrie Johnston Milliken,	Marlborough.
27,	Ann Agnes Gosling,*	Ann Agnes Gill,	Cambridge.
27,	Alice R. McFarland,*	Alice Ralston Benson,	Cambridge.
Sept. 7,	William Smith,*	Timothy Cahill,	Frammingham.
7,	Agnes Fay,*	Agnes Guilfoile,	Wayland.
7,	Lillie May Cheekley,*	Lillie May Sweat,	New York, N.Y.
14,	Tabitha Meigs,*	Grace Isabel Peters,	Medford.
14,	William Francis Abbott,*	William Francis Haynes,	Maynard.
14,	Patrick Francis McGaughy,*	Francis McGaughy,	Boston.
21,	James Francis Meehen,*	James Francis Lawson,	Boston.
21,	Mary Ellen Meehen,*	Mary Ellen Lawson,	Boston.
28,	Manoel Rodrigues Serpa,	Manoel Rodgers,	Somerville.
28,	Maria Gloria Serpa,	Maria Gloria Rodgers,	Somerville.
28,	Alfred Serpa,	Alfred Osear Rodgers,	Somerville.
28,	Maria Serpa,	Maria Eugenia Rodgers,	Somerville.

* Changed by reason of adoption.

MIDDLESEX COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1886.			
Oct. 5,	Jane Maloney,*	Jennie Doran,	Boston.
12,	Georgianna Jane Wood,*	Georgianna Joy,	Pepperell.
12,	Harriet Lucy Ward,*	Harriet Lucy Southwick,	Salem.
Nov. 3,	Frederick Livingston Jennison,*	Frederick Livingston Cutter,	Waltham.
16,	Annie Grace Snowman,*	Annie Grace Hill,	Penobscot, Me.
23,	Florence Mand Walker,*	Florence Mand Howard,	Worcester.
Dec. 7,	Martba Maria Gordon,*	Martba Maria Richards,	Natick.
14,	Margaret Winterton,*	Belle Madge Butterfield,	Boston.
14,	Mary Shaw,*	Mary Eva Dudley,	Wayland.
14,	William Davis,*	William Davis Bickers,	Boston.
14,	Albertba Duke,*	Bertha May Murray,	Lynn.
14,	Agnes Duke,*	Elizabeth Jane McMeeken,	Lynn.
28,	Charles Webster,*	Charles Herbert Milligan,	Cambridge.
28,	Ella Frances Freeman,*	Ella Frances Priest,	Somerville.

WORCESTER COUNTY.

Jan. 5,	Louise S. Dorr,*	Louise S. Mason,	Douglas.
5,	Simeon Gaudette,*	Edward Foote,	No. Brookfield.
19,	Maud Clarisa Mills,*	Maud Agnes Rolland,	Athol.
Feb. 16,	Joseph ———,*	Joseph Daniel Adams,	Brookfield.
April 6,	Nellie May Higgs,*	Helen Martha Bancroft,	Worcester.
20,	Lulu Mabel Stone,*	Lula Mabel Morse,	Worcester.
20,	Priestley Young,	Joseph Priestley Young,	Worcester.
20,	Otho Harold Jackson,*	Otho Harold Hartson,	Athol.
May 4,	Erita Cumminings,*	Grace Folsom Butler,	Worcester.
4,	Alice McDougal,*	Amy Grace Stedman,	Boston.
June 1,	Florence May Jackson,*	Mabel Harwood Bemis,	Boston.
15,	Catherine Estelle Trainor,*	Catherine Esielle Kelley,	Worcester.
July 6,	William Gilman,*	William Donovan,	Blackstone.
6,	Charles Francis Smith,*	Frank S. Weaver,	Templeton.
6,	Georgianna Hoey,*	Georgianna Baker,	Worcester.
20,	—————,*	Bertha Kate Morse,	Boston.
20,	Eva Newell Johnson,*	Eva Newall Hurd,	Worcester.
Sept. 7,	Emma Elizabeth Johnson,*	Emma Elizabeth Hadley,	Gardner.
7,	Ethel May French,*	Ethel May Gould,	Sutton.
7,	Annie Foley,*	Mary Laura Scott,	Worcester.
14,	John Hayward,*	John Holmes,	Milford.
14,	—————,*	Agnes Morin,	Medway.
Oct. 12,	Oscar Lee,*	Frederic Eugene Whitney,	Phillipston.
19,	Agnes Margaret Galfney,*	Agnes Margaret Cunningham,	Underhill, Vt.
26,	Clara Belle Hall,*	Isabelle Lyndes,	Worcester.
26,	Ina Maud Moore,*	Ina Maud Sawin,	Worcester.
Nov. 3,	Ethel Inez Mailman,*	Ethel Inez Barnes,	Sterling.
16,	Carrie Maria Gove,*	Carrie Maria Howard,	Hardwick.
Dec. 7,	Arthur Briggs Woodward,*	Arthur Briggs Wilson,	Worcester.
7,	Harry C Townsend,*	Harry Carleton Fay,	Northborough.
21,	Lillian T. Doherty,*	Lillian T. Sullivan,	Leominster.
21,	Lizzie Maria Kendall,*	Lizzie Maria Bates,	Phillipston.
28,	Winifred Vaughn,*	Winifred Vaughn Carter,	Leominster.

* Changed by reason of adoption.

CHANGE OF NAMES.

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HAMPSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1886.			
Jan. 5,	Marion N. Braisted,*	Marion N. Sawyer,	Easthampton.
Feb. 2,	Edith G. Bronson,*	Edith G. Shaw,	Plainfield.
April 6,	Charles Noonan,*	Forest Erskine Damon,	Northampton.
6,	Margaret F. Carroll,*	Margaret F. Foley,	Northampton.
Sept. 7,	Lena E. Matthews,*	Lena Estella Hall,	Northampton.
7,	Annie Foss,*	Fanny M. Bryant,	Chesterfield.
Oct. 12,	Lillian Ione Hall,*	Lillian Ione Weston,	South Hadley.
Nov. 3,	Josephine Floyd,*	Gladys Valine Stone,	Northampton.
9,	Mabel Frances Tobin,*	Frances Louise Laidley,	Northampton.

HAMPDEN COUNTY.

Jan. 6,	Edith M. Laurence,*	Edith Myrtle Frissell,	West Springfield.
6,	Arthur Harper,*	Albert Norman Daniels,	Springfield.
Feb. 3,	Miriam Burke, <i>alias</i> Miriam B. Brown,*	Rachel Emily Rising,	Springfield.
July 7,	Richard Luther Frost,*	Richard Luther Davis,	Wilbraham.
7,	Harry Edward Christiansen,*	Harry Edward Laurin,	Longmeadow.
Sept. 8,	Mary Tobin,*	Mary Agnes Offcut,	Holyoke.
8,	Alfred Miller,*	Alfred Miller Howard,	Southford, Ct.
Oct. 20,	Lucy Cordelia Brock,*	Lucy Frostina Mooney,	Holyoke.
Nov. 3,	William Bailey,*	William Jackson,	Springfield.
24,	Susan Hayes,*	Susan Elizabeth Hoag,	Springfield.

FRANKLIN COUNTY.

Jan. 5,	Conrad Frank,*	Conrad Alber,	Montague.
5,	John Frank,*	John Alber,	Montague.
Mar. 9,	Ernest Ingram,*	Ernest Harvey,	Warwick.
9,	Job Hampton,*	Warren Hampton Nims,	Orange.
April 6,	John Christian,*	Jay Carroll Brown,	Orange.
June 1,	(Infant) Crowningshield,*	Clarence Earl Chickering,	Greenfield.
July 6,	Francis Beacon,*	Frank Wilbur Webster,	Warwick.
Aug. 3,	Allie Bronson,*	Almon Bronson Hale,	Buckland.
Nov. 2,	Earl Wayne,*	Earl Wayne Smith,	Orange.
Dec. 14,	Justin Lacy,*	Carl Vincent Whipple,	Warwick.

BERKSHIRE COUNTY.

Jan. 5,	Julie J. Arsnauld,*	Julie A. Charboneau,	Adams.
5,	Carrie Shaw Tate,*	Carrie B. Breakey,	Pittsfield.
5,	Bertha Watson Young,*	Bertha M. Watson,	Pittsfield.
Mar. 2,	Desire Adolph Sultaire,*	Desire Adolph Stowell,	Peru.
April 6,	Andrew Cairns,*	Andrew Cairns Pow,	Adams.
6,	Margarita Lang,*	Henrietta Louisa Solert,	Pittsfield.
June 1,	Chester Allen Potter,*	Arthur Allen Pierce,	Pittsfield.
July 20,	Frederick P. Smith,*	Frederick Smith Potter,	Lanesborough.
22,	Lucinda Harwood,*	Lucinda Harwood Coon,	North Adams.
22,	Gracie Williams,*	Gracie Sherman,	Williamstown.
Sept. 7,	Delia Templin,*	Mary Ringwood,	North Adams.
7,	Lena Templin,*	Lena Ringwood,	North Adams.

* Changed by reason of adoption.

BERKSHIRE COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1886.			
Sept. 7,	Lillie Louisa Rutz,*	Lillie Louisa Austin,	Pittsfield.
7,	John Verran,	John DeVarences,	Lee.
7,	Byron Lincoln Verran,	Byron Lincoln DeVarences,	Lee.

NORFOLK COUNTY.

Jan. 6,	Mary Slattery,	Mary Morey,	Walpole.
Feb. 3,	Fannie Marcella Brewington,	Fannie Marcella Thompson,	Brookline.
Mar. 10,	Mary Alice Lester,*	Mary Lester Delory,	Hingham.
24,	Mary Monahan,*	Mary Cronin,	Boston.
May 12,	Thomas Holyoke,*	George Albert Royce,	Dedham.
19,	John Tucker,*	Frank Elwood Smith,	Canton.
July 7,	Unknown,*	Rosalie Marion Horr,	Halifax, N. S.
14,	Margaret Alice Slattery,*	Margaret Alice McDonough,	Montague.
Sept. 1,	Marcia Elizabeth Blackington,	Marcia Ernestina Arnold,	Wrentham.
8,	Effie Frances Erskine,	Effie Florence Croak,	Randolph.
Oct. 6,	Annie Wardwell,*	Annie Louisa Williams,	Quincy.
Nov. 17,	Henry Kendall,*	Charles Henry Crowe,	Sharon.
24,	Lawrence Hitehings,*	William Lawrence Burnham,	Boston.
24,	Ella Moore,*	Ella Livermore Parker,	Boston.
24,	Rachel Watts,*	Bertha Ray Allen,	Boston.
21,	John McDonald,*	John Bisbee,	Boston.
Dec. 8,	Maud Ethel Ballou,*	Maud Ethel Schell,	Hyde Park.
15,	Jessie Smith,*	Ada Cecilia Bailey,	Dover.
15,	Israel Howe,*	Harrie Israel Bailey,	Dover.

PLYMOUTH COUNTY.

Jan. 25,	Mamie ——,*	Mabel F. Willis,	Brockton.
July 12,	Mabel Frances Reed,*	Mabel Frances Sullivan,	Abington.
12,	Carrie Bell Wiley,*	Amy Elizabeth Ham,	Bridgewater.
12,	Charles H. Ransom,*	Frederick Charles Burt,	Middleborough.
Aug. 23,	Ralph D. Sproul,*	Ralph D. Poole,	Brockton.
23,	Charles Francis Snook,*	Charles Francis Kehoe,	Abington.
Sept. 13,	Fred Dearney,*	Fred Herbert Blake,	Hingham.
27,	Cuthbert Gort,*	Alberto Clifton Willis,	Brockton.
Oct. 25,	John T. Aldoes,*	John Ralph Aldoes,	Brockton.
Nov. 8,	Merton S. Lewis,*	Merton C. Hunt,	Brockton.
22,	Eldora L. Wiug,*	Eldora Leonard Blackwell,	Middleborough.
22,	Eugene Kendall,*	George Francis Leighton,	W. Bridgewater.

BRISTOL COUNTY.

Jan. 1,	Maria Louiza Machad,*	Maria Augusta Perry,	Fall River.
Feb. 5,	Annie E. Smith,*	Annie Elizabeth Sanford,	New Bedford.
April 2,	Frank Bassett,*	Ephrem James Desrosier,	Fall River.
2,	Fred N. Brackett,	Fred. N. Robbins,	Attleborough.
May 7,	William Coupe Pemberton,*	William Coupe,	Attleborough.
21,	Carrie Bell Evans,*	Carrie Belle Evans Chambers,	Taunton.
21,	Louis Normand,*	Louis Langell,	Fall River.
June 4,	William Edward Grant,*	William Edward Longson,	Fall River.
July 2,	Edward North,*	Edward Buckley,	Fall River.
Sept. 3,	Adelaide F. Akin,*	Addie Alice Haskins,	Dartmouth.

* Changed by reason of adoption.

CHANGE OF NAMES.

1221

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1886.			
Mar. 9,	Thomas Kennedy Hopkins,	Thomas Kennedy Paine,	Wellfleet.
April 20,	Alice Irene Baker,	Alice Irene Crocker,	Barnstable.
May 19,	Lettie Newton McMillan,	Lettie Newton Oxnard,	Provincetown.
Aug. 10,	Ferdinand Bacon,	Ferdinand Bacon Jones,	Barnstable.
Aug. 10,	George Rogers,	George Arthur Kelley,	Harwich.
Oct. 25,	Sarah L. Nickerson,	Sarah L. Doane,	Harwich.
Nov. 16,	Susan Williston Dodge,	Susan Webster Dodge,	Yarmouth.

NANTUCKET COUNTY.

Nov. 11,	Henry Gibbs,*	Harry Gibbs,	Nantucket.
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* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH
FOR THE POLITICAL YEAR

1887.



EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

OLIVER AMES,

GOVERNOR.

GEORGE H. CAMPBELL *Private Secretary.*
EDWARD F. HAMLIN *Executive Clerk.*

HIS HONOR

JOHN Q. A. BRACKETT,

LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts).

I.—JONATHAN BOURNE New Bedford.
II.—WARREN E. LOCKE Norwood.
III.—EBENEZER M. McPIERSON Boston.
IV.—LAWRENCE J. LOGAN Boston.
V.—FRANK D. ALLEN Lynn.
VI.—FRANCIS JEWETT Lowell.
VII.—GEORGE W. JOHNSON Brookfield.
VIII.—LEWIS J. POWERS Springfield.

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*
GEORGE G. SPEAR, *3d Clerk.*

ALANSON W. BEARD,

TREASURER AND RECEIVER-GENERAL.

JOHN Q. ADAMS, *1st Clerk.* GEORGE S. HALL, *2d Clerk.*
JOSHUA PHIPPEN, *Cashier.*

CHARLES R. LADD,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

EDGAR J. SHERMAN,

ATTORNEY-GENERAL.

HARVEY N. SHEPARD *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1886.

SENATE.

President—HALSEY J. BOARDMAN.

District.	Name of Senator.	Residence.
First Suffolk, . . .	D. Frank Kimball, . . .	Chelsea.
Second " . . .	Edwin L. Pilsbury, . . .	Boston.
Third " . . .	Patrick D. Dwyer, . . .	Boston.
Fourth " . . .	Edward J. Jenkins, . . .	Boston.
Fifth " . . .	Edward P. Wilbur, . . .	Boston.
Sixth " . . .	Oliver G. Fernald, . . .	Boston.
Seventh " . . .	Jediah P. Jordan, . . .	Boston.
Eighth " . . .	John F. Shea, . . .	Boston.
Ninth " . . .	Halsey J. Boardman, . . .	Boston.
First Essex, . . .	Frank W. Jones, . . .	Lynn.
Second " . . .	Samuel Roads, Jr., . . .	Marblehead.
Third " . . .	Benjamin F. Cook, . . .	Gloucester.
Fourth " . . .	John J. Carrier, . . .	Newburyport.
Fifth " . . .	Asa T. Newhall, . . .	Lynn.
Sixth " . . .	Edward F. O'Sullivan, . . .	Lawrence.
First Middlesex, . . .	Edward Glines, . . .	Somerville.
Second " . . .	J. Varnum Fletcher, . . .	Belmont.
Third " . . .	Alphens B. Alger, . . .	Cambridge.

District.	Name of Senator.	Residence.
Fourth Middlesex, . . .	Edward J. Slattery, . . .	Framingham.
Fifth " . . .	Luman T. Jefts, . . .	Hudson.
Sixth " . . .	John K. C. Sleeper, . . .	Malden.
Seventh " . . .	John Weleh, . . .	Lowell.
First Worcester, . . .	Edwin T. Marble, . . .	Worcester.
Second " . . .	William T. Forbes, . . .	Westborough.
Third " . . .	Irving B. Sayles, . . .	Millbury.
Fourth " . . .	Harris C. Hartwell, . . .	Fitchburg.
Worcester and Hamp- shire, . . .	Charles A. Gleason, . . .	New Braintree.
First Hampden, . . .	Henry M. Phillips, . . .	Springfield.
Second " . . .	Levi Perkins, . . .	Holyoke.
Franklin, . . .	Charles A. Towne, . . .	Orange.
Berkshire, . . .	Edward D. G. Jones, . . .	Pittsfield.
Berkshire and Hamp- shire, . . .	Charles N. Clark, . . .	Northampton.
First Norfolk, . . .	Elijah A. Morse, . . .	Canton.
Second " . . .	John H. Gould, . . .	Medfield.
First Plymouth, . . .	Jubal C. Gleason, . . .	Rockland.
Second " . . .	Ziba C. Keith, . . .	Brockton.
First Bristol, . . .	Charles A. Reed, . . .	Taunton.
Second " . . .	Robert Howard, . . .	Fall River.
Third " . . .	Eben C. Milliken, . . .	New Bedford.
Cape, . . .	Isaac N. Keith, . . .	Bourne.

E. HERBERT CLAPP, . . . *Clerk*
 EDMUND DOWSE, . . . *Chaplain.*
 JOHN G. B. ADAMS, . . . *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES.

Speaker — CHARLES J. NOYES.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ John E. Lynch, . J. Henry Stevenson,	Boston. Boston.
2d,	Boston, Ward 2,	{ Patrick J. Kennedy, James E. Fitzgerald,	Boston. Boston.
3d,	Boston, Ward 3,	{ John E. Hayes, . Francis J. Murphy,	Boston. Boston.
4th,	Boston, Ward 4,	{ Charles Field, . Joseph H. Gleason,	Boston. Boston.
5th,	Boston, Ward 5,	{ Patrick J. Calnan, . John P. Reynolds, .	Boston. Boston.
6th,	Boston, Ward 6,	{ Harvey N. Collison, Patrick J. Heasley,	Boston. Boston.
7th,	Boston, Ward 7,	{ Thomas G. Farren, John Doherty, .	Boston. Boston.
8th,	Boston, Ward 8,	{ Edward J. Donovan, Harrison H. Atwood,	Boston. Boston.
9th,	Boston, Ward 9,	{ Wm. O. Armstrong, Henry Parkman, .	Boston. Boston.
10th,	Boston, Ward 10,	{ Jacob A. Dresser, . Edward P. Fisk, .	Boston. Boston.
11th,	Boston, Ward 11,	{ Wm. F. Wharton, . John O. Teele, .	Boston. Boston.
12th,	Boston, Ward 12,	{ Edward J. Fossitt, . Philip H. Quinn, .	Boston. Boston.
13th,	Boston, Ward 13,	{ James E. Pray, . James Sullivan, .	Boston. Boston.
14th,	Boston, Ward 14,	{ David J. Hagerty, . Charles J. Noyes, .	Boston. Boston.

HOUSE OF REPRESENTATIVES.

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COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15,	{ Michael Garity, . Peter J. Reardon, .	Boston. Boston.
16th,	Boston, Ward 16,	{ Jeremiah Desmond, James Donovan, .	Boston. Boston.
17th,	Boston, Ward 17,	{ Whittemore Rowell, Albert A. Woodward,	Boston. Boston.
18th,	Boston, Ward 18,	{ John F. Colby, . Edward J. Hathorne,	Boston. Boston.
19th,	Boston, Ward 19,	{ Thomas L. Noonan, Daniel J. Maguire, .	Boston. Boston.
20th,	Boston, Ward 20,	{ Michael J. McEttrick, John H. McDonough,	Boston. Boston.
21st,	Boston, Ward 21,	{ Moses E. Ware, . John Backup, .	Boston. Boston.
22d,	Boston, Ward 22,	. James J. Dunlea, .	Boston.
23d,	Boston, Ward 23,	{ Daniel Gunn, . Henry C. Allen, .	Boston. Boston.
24th,	Boston, Ward 24,	{ John F. Brown, . William T. Leach, .	Boston. Boston.
25th,	Boston, Ward 25,	. Joseph F. Ready, .	Boston.
26th,	Chelsea, Wards 1,2,3,	{ Arthur B. Champlin, George E. Morrill, .	Chelsea. Chelsea.
27th,	{ Chelsea, Ward 4, . Revere, . . . Winthrop, . . . }	. Lyman M. Miller, . David Floyd, 2d, .	Chelsea. Winthrop.

COUNTY OF ESSEX.

1st,	{ Salisbury, . . . Amesbury, . . . Merrimac, . . . West Newbury, . }	Alexander Smart, . John H. Pousland, .	Merrimac. Amesbury.
2d,	{ Haverhill, Wards 1, } 2, 4, 6, . . . }	Alden P. Jacques, . J. Otis Wardwell, .	Haverhill. Haverhill.

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Haverhill, Wards 3, 5, . . . } { Methuen, . . . } { Bradford, . . . }	George H. Bartlett, Albert L. Dame, .	Haverhill. Methuen.
4th,	{ Lawrence, Wards 1, 2, 3, . . . }	Timothy F. O'Hearn, Michael Carney, .	Lawrence. Lawrence.
5th,	{ Lawrence, Wards 4, 5, 6, . . . }	Wm. J. Hincheliffe, Harry M. Eames, .	Lawrence. Lawrence.
6th,	{ Andover, . . . } { North Andover, . . . }	Charles Smith, .	Andover.
7th,	{ Groveland, . . . } { Georgetown, . . . } { Boxford, . . . } { Topsfield, . . . }	Nathaniel E. Ladd,	Groveland.
8th,	{ Newbury p't, Wards 1, 2, 3, 4, 5, 6, . . . } { Newbury, . . . }	Daniel M. Felch, . Edward A. Moseley,	Newburyport. Newburyport.
9th,	{ Rowley, . . . } { Ipswich, . . . } { Hamilton, . . . } { Wenham, . . . }	Joshua N. Foss, .	Rowley.
10th,	{ Gloucester, Wards 1, 3, 4, 5, 6, 7, 8, . . . } { Essex, . . . } { Manchester, . . . }	George Dennis, . Cyrus Story, . Jeffry T. Stanley, .	Gloucester. Gloucester. Manchester.
11th,	{ Gloucester, Ward 2, Rockport, . . . }	Theodore L. Pool, .	Rockport.
12th,	Beverly, . . .	Charles L. Dodge, .	Beverly.
13th,	Salem, Wards 1, 2,	G. Parker Bray, .	Salem.
14th,	Salem, Wards 3, 5,	O. W. H. Upham, .	Salem.
15th,	Salem, Wards 4, 6,	Charles H. Symonds,	Salem.
16th,	Marblehead, . . .	Francis Boardman,	Marblehead.
17th,	{ Swampscott, . . . } { Lynn, Wards 2, 3, . . . }	Horace A. Roberts, Joseph W. Garfield,	Lynn. Lynn.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	{ Lynn, Ward 4, . . . } { Nahant, . . . }	Wm. A. Clark, Jr., Martin E. Nies, . . .	Lynn. Lynn.
19th,	{ Lynn, Wards 1, 5, . . } { Lynnfield, . . . }	Arthur B. Breed, . . George F. Day, . . .	Lynn. Lynn.
20th,	{ Lynn, Wards 6, 7, . . } { Saugus, . . . }	David Walker, . . . Charles S. Hitchings,	Lynn. Saugus.
21st,	Peabody, . . .	Cyrus T. Batchelder,	Peabody.
22d,	{ Danvers, . . . } { Middleton, . . . }	Malcolm Sillars, . .	Danvers.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards } { 1, 5, . . . }	Solomon S. Sleeper, George A. Perkins,	Cambridge. Cambridge.
2d,	{ Cambridge, Ward 2, }	Horace G. Kemp, . . C. G. H. Bennink, . .	Cambridge. Cambridge.
3d,	Cambridge, Ward 3,	John T. Scully, . . .	Cambridge.
4th,	{ Cambridge, Ward 4, }	Isaac S. Pear, . . . Chas. W. Henderson,	Cambridge. Cambridge.
5th,	Somerville, Ward 1,	Samuel Cutler, . . .	Somerville.
6th,	Somerville, Ward 2,	James F. Davlin, . .	Somerville.
7th,	{ Somerville, Wards } { 3, 4, . . . }	Samuel C. Darling,	Somerville.
8th,	Medford, . . .	Theodore P. Dresser,	Medford.
9th,	{ Malden, Wards 1, } { 2, 3, 4, 5, 6, . . }	William A. Wilde, . . Daniel L. Milliken,	Malden. Malden.
10th,	Everett, . . .	Dudley P. Bailey, . .	Everett.
11th,	Melrose, . . .	John Larrabee, . . .	Melrose.
12th,	Stoneham, . . .	James E. Witcher,	Stoneham.
13th,	Wakefield, . . .	Chas. F. Woodward,	Wakefield.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Woburn, . . . } { Reading, . . . }	Charles H. Lang, . Horace G. Wadlin,	Reading. Reading.
15th,	{ Arlington, . . . } { Winchester, . . . }	Warren A. Peirce, .	Arlington.
16th,	{ Watertown, . . . } { Belmont, . . . }	Jonathan Bigelow,	Watertown.
17th,	{ Newton, Wards 1, } { 2, 3, 4, 5, 6, 7, }	Arthur C. Walworth, Elijah W. Wood, .	Newton. Newton.
18th,	{ Waltham, Wards 1, } { 2, 3, 4, 5, 6, 7, } { Weston, . . . }	Erskiue Warden, . Samuel O. Upham,	Waltham. Waltham.
19th,	{ Lexington, . . . } { Lincoln, . . . } { Concord, . . . } { Bedford, . . . } { Burlington, . . . }	Henry J. Hosmer, .	Concord.
20th,	{ Chelmsford, . . . } { Billerica, . . . } { Tewksbury, . . . } { Wilmington, . . . } { North Reading, . . . }	George W. Trull, .	Tewksbury.
21st,	Lowell, Ward 1, .	Thomas J. Flynn, .	Lowell.
22d,	Lowell, Ward 2, .	Edward M. Tucke,	Lowell.
23d,	Lowell, Ward 3, .	Peter J. Brady, .	Lowell.
24th,	{ Lowell, Wards 4, 5, } { Dracut, . . . } { Tyngsborough, . . . }	Charles E. Adams, . George F. Morey, . Solomon K. Dexter,	Lowell. Lowell. Lowell.
25th,	Lowell, Ward 6, .	Albert G. Thompson,	Lowell.
26th,	Natick,	Justin Perry, . . .	Natick.
27th,	{ Hopkinton, . . . } { Ashland, . . . }	Dennis J. O'Brien, .	Hopkinton.
28th,	{ Holliston, . . . } { Sherborn, . . . } { Framingham, . . . } { Wayland, . . . }	Samuel B. Bird, . William H. Hastings,	Framingham. Framingham.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
29th,	{ Marlborough, . . . } { Hudson, . . . } { Sudbury, . . . }	Timothy J. Harris, Savillian Arnold, .	Marlborough. Hudson.
30th,	{ Maynard, . . . } { Stow, . . . } { Boxborough, . . . } { Littleton, . . . } { Acton, . . . } { Carlisle, . . . }	Luther Conant, .	Acton.
31st,	{ Westford, . . . } { Groton, . . . } { Pepperell, . . . } { Dunstable, . . . }	George S. Graves, .	Groton.
32d,	{ Ayer, . . . } { Shirley, . . . } { Townsend, . . . } { Ashby, . . . }	William P. Taylor,	Townsend.

COUNTY OF WORCESTER.

1st,	{ Athol, . . . } { Royalston, . . . } { Phillipston, . . . }	Sidney P. Smith, .	Athol.
2d,	{ Gardner, . . . } { Winchendon, . . . } { Templeton, . . . } { Ashburnham, . . . }	Edward P. Noyes, . John H. Wilkins, .	Gardner. Ashburnham.
3d,	{ Barre, . . . } { Dana, . . . } { Petersham, . . . } { Hardwick, . . . } { Rutland, . . . }	James F. Davis, .	Barre.
4th,	{ Westminster, . . . } { Hubbardston, . . . } { Princeton, . . . } { Holden, . . . } { Paxton, . . . }	Samuel W. Armington, ton,	Holden.
5th,	{ Brookfield, . . . } { North Brookfield, . . . } { West Brookfield, . . . } { New Braintree, . . . } { Oakham, . . . } { Sturbridge, . . . } { Warren, . . . }	Edwin D. Goodell, . Samuel Clark, .	Brookfield. N. Brookfield.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Spencer, . . . } { Leicester, . . . }	Luther Hill, . . .	Spencer.
7th,	{ Charlton, . . . } { Dudley, . . . } { Southbridge, . . . }	Charles Haggerty, .	Southbridge.
8th,	{ Webster, . . . } { Oxford, . . . } { Auburn, . . . }	Henry Brandes, . .	Webster.
9th,	{ Douglas, . . . } { Millbury, . . . } { Sutton, . . . }	Henry Simeon Stock- well,	Sutton.
10th,	{ Uxbridge, . . . } { Northbridge, . . . } { Upton, . . . }	Daniel W. Taft, . .	Uxbridge.
11th,	{ Blackstone, . . . } { Mendon, . . . } { Milford, . . . } { Hopedale, . . . }	James Lally, Jr., . . Henry E. Fales, . .	Milford. Milford.
12th,	{ Westborough, . . . } { Northborough, . . . } { Southborough, . . . } { Berlin, . . . } { Shrewsbury, . . . } { Grafton, . . . }	George B. Brigham, Samuel I. Howe, . .	Westborough. Shrewsbury.
13th,	{ Boylston, . . . } { Bolton, . . . } { West Boylston, . . . } { Clinton, . . . } { Harvard, . . . } { Lancaster, . . . } { Sterling, . . . }	Jonas E. Howe, . . . Harrison E. Morton,	Clinton. W. Boylston.
14th,	{ Leominster, . . . } { Lunenburg, . . . }	Morrill A. Green- wood,	Leominster.
15th,	{ Fitchburg, Wds. 1, } { 2, 3, 4, 5, 6, . . }	Joseph S. Wilson, . . J. F. D. Garfield, . .	Fitchburg. Fitchburg.
16th,	Worcester, Ward 1,	Thomas G. Kent, . .	Worcester.
17th,	Worcester, Ward 2,	Alfred S. Pinkerton,	Worcester.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	Worcester, Ward 3,	J. Francis O'Connor,	Worcester.
19th,	Worcester, Ward 4,	Peter A. Conlin, .	Worcester.
20th,	Worcester, Ward 5,	Thomas W. Butler,	Worcester.
21st,	Worcester, Ward 6,	Joseph H. Walker,	Worcester.
22d,	Worcester, Ward 7,	Henry L. Parker, .	Worcester.
23d,	Worcester, Ward 8,	William A. Gile, .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Northampton, Wds. 1, 2, 3, 4, 5, 6, 7, . Easthampton, . . . Southampton, . . . }	John B. Bottum, . Byron P. Owen, .	Northampton. Easthampton.
2d,	{ Chesterfield, . . . Cummington, . . . Goshen, . . . Huntington, . . . Middlefield, . . . Plainfield, . . . Westhampton, . . . Worthington, . . . }	William W. Orcutt,	Cummington.
3d,	{ Hatfield, Hadley, South Hadley, . . . Williamsburg, . . . }	James W. Gaylord,	South Hadley.
4th,	{ Amherst, Belchertown, . . . Granby, }	Moody Harrington,	Amherst.
5th,	{ Enfield, Greenwich, Pelham, Prescott, Ware, }	Levi W. Robinson, .	Ware.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Chester, . . . } { Blandford, . . . } { Tolland, . . . } { Granville, . . . } { Southwick, . . . } { Agawam, . . . }	Seth N. Bennett, .	Agawam.
2d,	{ Montgomery, . . . } { Russell, . . . } { Westfield, . . . } { West Springfield, . . . }	William Provin, . William H. Foote, .	Westfield. Westfield.
3d,	{ Holyoke, Wards 6, } { 7, . . . }	Dwight O. Judd, .	Holyoke.
4th,	{ Holyoke, Wards 1, } { 2, 3, 4, 5, . . . }	Jeremiah J. Keane,	Holyoke.
5th,	Chicopee, . . .	Norris R. Wood, .	Chicopee.
6th,	{ Springfield, Wards } { 1, 4, 8, . . . }	John L. Knight, . George W. Miller, .	Springfield. Springfield.
7th,	Springfield, Ward 5,	Charles C. Spellman,	Springfield.
8th,	{ Springfield, Wards } { 2, 3, 6, 7, . . . }	Fred A. Judd, . . . John S. Anderson, .	Springfield. Springfield.
9th,	{ Longmeadow, . . . } { Hampden, . . . } { Wilbraham, . . . } { Monson, . . . } { Wales, . . . }	John Brockbank, .	Monson.
10th,	{ Ludlow, . . . } { Palmer, . . . } { Brimfield, . . . } { Holland, . . . }	Stephen S. Taft, .	Palmer.

COUNTY OF FRANKLIN.

1st,	{ Greenfield, . . . } { Shelburne, . . . } { Bernardston, . . . }	Darwin F. Hamilton,	Greenfield.
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COUNTY OF FRANKLIN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Warwick, . . .) { Orange, . . .) { New Salem, . . .) { Erving, . . .) { Shutesbury, . . .)	Franklin L. Waters,	Orange.
3d,	{ Northfield, . . .) { Gill, . . .) { Montague, . . .) { Wendell, . . .)	Felix F. McCue, .	Montague.
4th,	{ Leverett, . . .) { Sunderland, . . .) { Whately, . . .) { Deerfield, . . .) { Conway, . . .)	Henry C. Haskell, .	Deerfield.
5th,	{ Ashfield, . . .) { Buckland, . . .) { Charlemont, . . .) { Colrain, . . .) { Hawley, . . .) { Heath, . . .) { Leyden, . . .) { Rowe, . . .) { Monroe, . . .)	Enoch J. Stockwell,	Buckland.

COUNTY OF BERKSHIRE.

1st,	{ New Ashford, . . .) { Williamstown, . . .) { North Adams, . . .) { Florida, . . .) { Clarksburg, . . .)	George H. Kearns, . John J. Marsh, .	North Adams. North Adams.
2d,	{ Adams, . . .) { Cheshire, . . .) { Savoy, . . .)	John M. Morin, .	Adams.
3d,	{ Hancock, . . .) { Lanesborough, . . .) { Lenox, . . .) { Windsor, . . .) { Peru, . . .) { Hinsdale, . . .) { Washington, . . .) { Richmond, . . .)	Thomas Post, . . .	Lenox.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Pittsfield, . . . } { Dalton, . . . }	John C. Crosby, . Lorenzo H. Gamwell,	Pittsfield. Pittsfield.
5th,	{ Stockbridge, . . . } { Lee, . . . } { Becket, . . . }	Joseph C. Chaffee, .	Lee.
6th,	{ West Stockbridge, . } { Alford, . . . } { Egremont, . . . } { Great Barrington, . }	Theodore Giddings,	Gt. Barrington.
7th,	{ Monterey, . . . } { Otis, . . . } { Sandisfield, . . . } { New Marlborough, . } { Sheffield, . . . } { Mt. Washington, . . } { Tyringham, . . . }	John D. Burtch, .	Sheffield.

COUNTY OF NORFOLK.

1st,	{ Dedham, . . . } { Norwood, . . . }	Frank A. Fales, .	Norwood.
2d,	Brookline, . . .	Geo. N. Carpenter,	Brookline.
3d,	Hyde Park, . . .	Samuel R. Moseley,	Hyde Park.
4th,	{ Milton, . . . } { Canton, . . . }	George E. Downes,	Canton.
5th,	{ Quincy, . . . } { Weymouth, . . . }	Josiah Quincy, . Benjamin S. Lovell, Robert McIntosh, .	Quincy. Weymouth. Weymouth.
6th,	{ Braintree, . . . } { Holbrook, . . . }	Henry A. Monk, .	Braintree.
7th,	{ Randolph, . . . } { Stoughton, . . . } { Sharon, . . . } { Walpole, . . . }	Henry Fitzpatrick, . Allen A. Belcher, .	Stoughton. Randolph.
8th,	{ Franklin, . . . } { Foxborough, . . . } { Wrentham, . . . } { Bellingham, . . . } { Medway, . . . } { Norfolk, . . . }	Benj. F. Boyden, 2d, William F. Ray, .	Foxborough. Franklin.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham, . . . } { Dover, . . . } { Medfield, . . . } { Wellesley, . . . } { Millis, . . . }	Frank Smith, . . .	Dover.

COUNTY OF PLYMOUTH.

1st,	Plymouth, . . .	Elkanah Finney, . . .	Plymouth.
2d,	{ Marshfield, . . . } { Plympton, . . . } { Kingston, . . . } { Duxbury, . . . }	Peleg T. Brooks, . . .	Kingston.
3d,	{ Scituate, . . . } { South Scituate, . . . } { Hanson, . . . } { Pembroke, . . . }	Roland Turner, . . .	Scituate.
4th,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	Edmund Hersey, 2d,	Hingham.
5th,	{ Rockland, . . . } { Hanover, . . . }	George H. Hunt, . . .	Rockland.
6th,	{ Whitman, . . . } { Abington, . . . }	William H. Gurney,	Whitman.
7th,	{ Mattapoisett, . . . } { Marion, . . . } { Wareham, . . . } { Rochester, . . . } { Carver, . . . }	Edward F. Handy,	Wareham.
8th,	{ Middleborough, . . . } { Lakeville, . . . } { Halifax, . . . }	James H. Harlow, . . .	Middleborough
9th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	Wm. H. Jennings, . . .	W. Bridgewater
10th,	{ Brockton, Wards 4, } { 5, 6, . . . }	Patrick McCarthy, . . .	Brockton.
11th,	{ Brockton, Wards 2, } { 3, . . . }	Warren T. Copeland,	Brockton.
12th,	{ Brockton, Wards 1, } { 7, . . . }	Henry E. Lincoln, . . .	Brockton.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Attleborough, . . .) Norton, . . .) Seekonk, . . .)	Thos. G. Sandland, Abijah T. Wales, .	Attleborough. Attleborough.
2d,	{ Mansfield, . . .) Easton, . . .) Raynham, . . .)	Louis C. Southard, .	Easton.
3d,	{ Taunton, Wards 1,) 2, 3, 4, 5, 6, 7, 8, .) Berkley, . . .)	Cyrus Savage, . . . William J. Briggs, . Frederick S. Hall, .	Taunton. Taunton. Taunton.
4th,	{ Fairhaven, . . .) Acushnet, . . .) Freetown, . . .)	Robert Bennett,* .	Fairhaven.
5th,	{ New Bedford, Wds.) 1, 2, 3, . . .)	George H. Freeman, Rufus H. Willis, .	New Bedford. New Bedford.
6th,	{ New Bedford, Wds.) 4, 5, 6, . . .)	E. Williams Hervey, Seth W. Godfrey, .	New Bedford. New Bedford.
7th,	{ Westport, . . .) Dartmouth, . . .)	Cortez Allen, . . .	Westport.
8th,	{ Fall River, Wards 1,) 2, 3, 4, 6, . . .)	John Conroy, . . . William A. Carman, Andrew Quinn, .	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards 5,) 7, 8, 9, . . .)	Robert Henry, . . . John C. Milne, . . .	Fall River. Fall River.
10th,	{ Dighton, . . .) Somerset, . . .) Swanzy, . . .) Rehoboth, . . .)	Mason Barney, . . .	Swanzy.

COUNTY OF BARNSTABLE.

1st,	{ Falmouth, . . .) Bourne, . . .) Sandwich, . . .) Mashpee, . . .) Barnstable, . . .) Yarmouth, . . .) Dennis, . . .)	Charles Dillingham, George H. Loring, .	Sandwich. Yarmouth.
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* Elected January 25th; qualified February 9, in place of FREDERICK C. S. BARTLETT of Fairhaven, deceased December 26, 1886.

COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Harwich, . . . } { Chatham, . . . } { Brewster, . . . } { Orleans, . . . }	John H. Clark, .	Brewster.
3d,	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . . }	Isaiah C. Young, .	Wellfleet.

COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . } { Cottage City, . . . } { Edgartown, . . . } { Gay Head, . . . } { Gosnold, . . . } { Tisbury, . . . }	Oliver E. Linton, .	Cottage City.
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COUNTY OF NANTUCKET.

1st,	Nantucket,	John W. Hallett, .	Nantucket.
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EDWARD A. McLAUGHLIN, Clerk.

DANIEL W. WALDRON, Chaplain.

JOHN G. B. ADAMS, Sergeant-at-Arms.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

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 CHARLES DEVENS, *of Worcester.*
 WILLIAM ALLEN, *of Northampton.*
 CHARLES ALLEN, *of Boston.*
 OLIVER WENDELL HOLMES, JR., *of Boston.*
 WILLIAM S. GARDNER, *of Newton.*

SUPERIOR COURT.

CHIEF JUSTICE.

LINCOLN F. BRIGHAM, *of Salem.*

ASSOCIATE JUSTICES.

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 ROBERT C. PITMAN, *of Newton.*
 JOHN W. BACON, *of Natick.*
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JESSE E. KEITH, Abington,	PLYMOUTH.
WILLIAM E. FULLER, Taunton,	BRISTOL.
HIRAM P. HARRIMAN, Wellfleet,	BARNSTABLE.
JOSEPH T. PEASE, Edgartown,	DUKES.
THADDEUS C. DEFRIEZ, Nantucket,	NANTUCKET.

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JOSEPH H. TYLER, Winchester,	MIDDLESEX.
FREDERIC W. SOUTHWICK, Worcester,	WORCESTER.
HUBBARD M. ABBOTT, Northampton,	HAMPSHIRE.
SAMUEL B. SPOONER, Springfield,	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield,	FRANKLIN.
EDWARD T. SLOCUM, Lee,	BERKSHIRE.
JONATHAN COBB, Dedham,	NORFOLK.
EDWARD E. HOBART, Bridgewater,	PLYMOUTH.
JOHN H. GALLIGAN, Taunton,	BRISTOL.
FREEMAN H. LOTHROP, Barnstable,	BARNSTABLE.
HEBRON VINCENT, Edgartown,	DUKES.
SAMUEL SWAIN, Nantucket,	NANTUCKET.

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SHERIFFS.

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HORATIO G. HERRICK, Lawrence,	ESSEX.
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AUGUSTUS B. R. SPRAGUE, Worcester,	WORCESTER.
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JOHN CROSBY, Pittsfield,	BERKSHIRE.
AUGUSTUS B. ENDICOTT, Dedham,	NORFOLK.
ALPHEUS K. HARMON, Plymouth,	PLYMOUTH.
ANDREW R. WRIGHT, Fall River,	BRISTOL.
LUTHER FISK, Dennis,	BARNSTABLE.
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JOSIAH F. BARRETT, Nantucket,	NANTUCKET.

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JOHN NOBLE, Boston, Supreme Judicial Court,	SUFFOLK.
JOSEPH A. WILLARD, Boston, Sup. Ct., Civil Term,	} SUFFOLK.
JOHN P. MANNING, Boston, Criminal Term,	
DEAN PEABODY, Lynn,	ESSEX.
THEODORE C. HURD, Cambridge,	MIDDLESEX.
THEODORE S. JOHNSON, Worcester,	WORCESTER.
WILLIAM H. CLAPP, Northampton,	HAMPSHIRE.
ROBERT O. MORRIS, Springfield,	HAMPDEN.
EDWARD E. LYMAN, Greenfield,	FRANKLIN.
HENRY W. TAFT, Pittsfield,	BERKSHIRE.
ERASTUS WORTHINGTON, Dedham,	NORFOLK.
WILLIAM H. WHITMAN, Plymouth,	PLYMOUTH.
SIMEON BORDEN, Fall River,	BRISTOL.
SMITH K. HOPKINS, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
JOHN F. BROWN, Nantucket,	NANTUCKET.

MEMBERS OF THE FIFTIETH CONGRESS.

[Congressional Districts established by Chap. 253, Acts of 1882.]

SENATORS.

HENRY L. DAWES, *of Pittsfield.*
 GEORGE F. HOAR, *of Worcester.*

REPRESENTATIVES.

DISTRICT I. — ROBERT T. DAVIS, *of Fall River.*
 II. — JOHN D. LONG, *of Hingham.*
 III. — LEOPOLD MORSE, *of Boston.*
 IV. — PATRICK A. COLLINS, *of Boston.*
 V. — EDWARD D. HAYDEN, *of Woburn.*
 VI. — HENRY CABOT LODGE, *of Nahant.*
 VII. — WILLIAM COGSWELL, *of Salem.*
 VIII. — CHARLES H. ALLEN, *of Lowell.*
 IX. — EDWARD BURNETT, *of Southborough.*
 X. — JOHN E. RUSSELL, *of Leicester.*
 XI. — WILLIAM WHITING, *of Holyoke.*
 XII. — FRANCIS W. ROCKWELL, *of Pittsfield.*

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, July 23, 1887.

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing the changes made in the general statutes by the legislation of the present year have been prepared and are published as an appendix to this edition of the laws by direction of the Governor, in accordance with the provisions of Chap. 238 of the Acts of 1882.

HENRY B. PEIRCE,

Secretary of the Commonwealth.

APPENDIX.

The following tables have been prepared by Charles U. Bell, Esq., appointed to that duty under Chapter 238 of the Acts of 1882, which authorizes the Governor to appoint some person to prepare “ tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes.”

A TABLE

SHOWING

WHAT GENERAL STATUTES OF THE COMMONWEALTH AND
WHAT CHAPTERS OF THE PUBLIC STATUTES HAVE BEEN
AFFECTED BY SUBSEQUENT LEGISLATION.

STATUTES OF THE COMMONWEALTH.

[The changes are more fully stated under the appropriate chapter of the Public Statutes.]

St. 1853.

CHAPTER 365.

AN ACT RELATING TO THE HARBOR OF GLOUCESTER.

Repealed. St. 1885, c. 315. P. S., c. 19.

St. 1869.

CHAPTER 143.

AN ACT TO AMEND AN ACT RELATING TO THE HARBOR OF
GLOUCESTER.

Repealed. St. 1885, c. 315. P. S., c. 19.

St. 1874.

CHAPTER 372.

AN ACT CONCERNING BONDS OF RAILROAD CORPORATIONS.

Acts done under this act are ratified. St. 1883, c. 7, § 1. P. S., c. 112,
§ 62.

CHAPTER 406.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS, ETC.

Section 1, in part repealed. St. 1882, c. 238, § 3. P. S., c. 4.

ST. 1877.

CHAPTER 186.

AN ACT IN RELATION TO OVERSEERS OF THE POOR.

Amended. St. 1883, c. 203, § 1. P. S., c. 27, § 65.

ST. 1878.

CHAPTER 255.

AN ACT IN RELATION TO THE ELECTION OF SELECTMEN AND
ASSESSORS IN TOWNS.Amended. St. 1883, c. 203, § 1. P. S., c. 27, §§ 69 *et seq.*

ST. 1881.

CHAPTER 44.

AN ACT TO REGULATE THE TAKING OF FISH, ETC.

Section 4, amended. St. 1883, c. 76, § 2. P. S., c. 91.

ST. 1882.

CHAPTER 28.

AN ACT CONCERNING THE CORRECTION OF ERRORS IN COPIES OF
RECORDS OF VOTES AND THE PUBLICITY OF ELECTION
RETURNS.

Section 1, amended. St. 1885, c. 108. P. S., c. 7.

CHAPTER 29.

AN ACT TO AMEND SECTION EIGHTEEN OF CHAPTER FIVE OF THE
PUBLIC STATUTES, RELATIVE TO CLERICAL ASSISTANCE IN
THE STATE LIBRARY.

Repealed. St. 1886, c. 66. P. S., c. 5.

CHAPTER 63.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE
POLICE COURT OF LOWELL.

Superseded. St. 1886, c. 307. P. S., c. 154.

CHAPTER 65.

AN ACT FOR THE PROTECTION OF STRIPED BASS AND BLUEFISH
IN THE WATERS OF EDGARTOWN.

Repealed. St. 1885, c. 247. P. S., c. 91.

CHAPTER 74.

AN ACT RELATIVE TO THE PRESERVATION OF CHECK LISTS IN CITIES.

Repealed. St. 1884, c. 299, § 44. P. S., c. 7.

CHAPTER 97.

AN ACT TO PROVIDE FOR THE INSTRUCTION AND EXERCISE OF A PORTION OF THE VOLUNTEER MILITIA.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 102.

AN ACT CONCERNING FISHERIES, ETC.

Amended. St. 1884, c. 245. P. S., c. 91.

CHAPTER 106.

AN ACT IN RELATION TO THE TAXATION OF FOREIGN MINING, QUARRYING AND OIL COMPANIES.

Amended. St. 1883, c. 74. Affected. Sts. 1884, c. 330, § 3; 1886, c. 230. P. S., c. 18.

CHAPTER 111.

AN ACT AUTHORIZING THE TREASURER AND RECEIVER-GENERAL TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE.

Repealed. St. 1886, c. 38. P. S., c. 17.

CHAPTER 129.

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX.

Superseded. St. 1886, c. 184. P. S., c. 158.

CHAPTER 139.

AN ACT TO PERMIT WOMEN TO PRACTISE AS ATTORNEYS-AT-LAW.

Extended. St. 1883, c. 252. P. S., c. 18.

CHAPTER 178.

AN ACT RELATING TO THE COMPENSATION OF THE MILITIA.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 179.

AN ACT RELATIVE TO PARADING WITH ARMS BY ASSOCIATIONS COMPOSED OF SOLDIERS.

Superseded. St. 1887, c. 411. P. S., c. 14, § 127.

CHAPTER 181.

AN ACT RELATING TO INDIGENT AND NEGLECTED CHILDREN.

Section 3, amended. St. 1886, c. 330. P. S., c. 48.

CHAPTER 200.

AN ACT TO EXTEND THE TIME WITHIN WHICH SAVINGS BANKS
MAY SELL CERTAIN REAL ESTATE.

Section 1, affected. St. 1886, c. 77. P. S., c. 116.

CHAPTER 203.

AN ACT IN RELATION TO THE OFFICERS OF THE STATE PRISON
AT CONCORD.

Section 2, repealed. St. 1887, c. 355. P. S., c. 221.

CHAPTER 212.

AN ACT TO ESTABLISH AN AGRICULTURAL EXPERIMENT STATION.

Reports provided for. St. 1883, c. 105. P. S., c. 20.

CHAPTER 231.

AN ACT TO ALLOW SAVINGS BANKS AND INSTITUTIONS FOR
SAVINGS TO MAKE ADDITIONAL INVESTMENTS.

Amended. St. 1885, c. 124. Repealed. St. 1887, c. 423. P. S., c. 116.

CHAPTER 232.

AN ACT RELATING TO THE OFFICERS IN ATTENDANCE UPON THE
SUPREME JUDICIAL COURT IN THE COUNTY OF SUFFOLK.

Section 1, amended. St. 1886, c. 37, § 2. P. S., c. 159.

CHAPTER 233.

AN ACT TO ESTABLISH THE THIRD AND FOURTH DISTRICT COURTS
OF EASTERN MIDDLESEX AND THE POLICE COURTS OF
MARLBOROUGH AND BROOKLINE.

Amended. St. 1886, c. 165. P. S., c. 154.

CHAPTER 237.

AN ACT RELATING TO THE SETTLEMENT OF TITLES TO REAL
ESTATE.

Extended. St. 1885, c. 283. P. S., c. 176.

CHAPTER 244.

AN ACT TO AUTHORIZE THE FORMATION OF RELIEF SOCIETIES BY THE EMPLOYEES OF RAILROAD AND STEAMBOAT CORPORATIONS.

Affected. St. 1886, c. 125. P. S., c. 115.

CHAPTER 245.

AN ACT RELATING TO THE SALARIES OF CERTAIN JUSTICES AND COURT OFFICERS.

Section 1, superseded in part. St. 1886, cc. 15, 37, 130, 166. P. S., c. 154.

CHAPTER 247.

AN ACT RELATING TO THE CORRECTION OF NAMES UPON TAX BILLS, Etc.

Repealed. St. 1884, c. 298, § 53. P. S., c. 6.

CHAPTER 250.

AN ACT RELATING TO THE INSPECTION AND SALE OF CERTAIN OILS.

Repealed. St. 1885, c. 122. P. S., c. 102.

CHAPTER 251.

AN ACT RELATING TO CO-OPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Amended. St. 1885, c. 121. In part repealed. St. 1887, c. 216. P. S., c. 117.

CHAPTER 257.

AN ACT TO FIX THE COMPENSATION OF THE ASSISTANT CLERKS, Etc.

Superseded. St. 1887, c. 116. P. S., c. 2.

CHAPTER 263.

AN ACT RELATING TO THE ADULTERATION OF FOOD AND DRUGS.

Amended. Sts. 1883, c. 263, § 1; 1884, c. 289, § 6; 1866, c. 171. Affected St. 1885, c. 352, § 5. P. S., c. 208.

CHAPTER 268.

AN ACT TO PROVIDE FOR THE CORRECTION OF OMISSIONS IN THE REGISTRATION OF VOTERS.

Repealed. St. 1884, c. 298, § 53. P. S., c. 6.

CHAPTER 270.

AN ACT FOR THE BETTER PROTECTION OF CHILDREN.

Section 4, amended. Sts. 1884, c. 210; 1885, c. 176. P. S., c. 48

CHAPTER 274.

AN ACT CONCERNING TRANSPORTATION OF LOGS AND TIMBER
UPON THE CONNECTICUT RIVER.

Section 2, repealed. St. 1883, c. 183, § 3. P. S., c. 94.

ST. 1883.

CHAPTER 33.

AN ACT RELATING TO REINSURANCE, ETC.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 36.

AN ACT IN RELATION TO THE TAKING AND KILLING OF CERTAIN
UNDOMESTICATED BIRDS

Repealed. St. 1886, c. 276. P. S., c. 92.

CHAPTER 52.

AN ACT TO EXTEND THE TIME WITHIN WHICH SAVINGS BANKS
MAY SELL CERTAIN REAL ESTATE.

Amended. Sts. 1883, c. 248; 1886, c. 77. P. S., c. 116.

CHAPTER 80.

AN ACT PROVIDING A CLERK FOR THE DISTRICT COURT OF
HAMPSHIRE.

Section 2, superseded. St. 1886, c. 106. P. S., c. 154.

CHAPTER 107.

AN ACT IN RELATION TO DEPOSITS MADE BY FOREIGN INSURANCE
COMPANIES, ETC.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 124.

AN ACT RELATING TO THE REMOVAL AND TRANSPORTATION OF
CERTAIN BODIES FOR BURIAL.

Section 2, amended. St. 1887, c. 335. P. S., c. 32.

CHAPTER 126.

AN ACT TO CHANGE THE BASIS UPON WHICH THE INSURANCE COMMISSIONER SHALL COMPUTE THE AMOUNT NECESSARY TO REINSURE, ETC.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 157.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS AND WOMEN

Limited. St. 1884, c. 275, § 4. P. S., cc. 48, 74.

CHAPTER 164.

AN ACT AUTHORIZING THE TREASURER TO EMPLOY AN ADDITIONAL CLERK.

Repealed. St. 1886, c. 38. P. S., c. 17.

CHAPTER 187.

AN ACT IN RELATION TO BOARDING HOUSES AND BOARDING-HOUSE KEEPERS.

Amended. St. 1884, c. 169. P. S., c. 102, § 13.

CHAPTER 216.

AN ACT IN RELATION TO THE COMPENSATION OF ASSESSORS, MASTERS IN CHANCERY AND SPECIAL MASTERS.

Amended. Sts. 1886, c. 51; 1887, c. 289. P. S., c. 159.

CHAPTER 217.

AN ACT RELATING TO THE EMPLOYMENT OF PRISONERS.

Superseded. St. 1887, c. 447, § 8. P. S., cc. 220, 221.

CHAPTER 218.

AN ACT TO REGULATE THE SALE OF COAL BY MEASURE.

Amended. St. 1884, c. 70. P. S., c. 60, § 82.

CHAPTER 223.

AN ACT GRANTING JURISDICTION IN EQUITY TO THE SUPERIOR COURT.

Section 5, amended. St. 1884, c. 316. P. S., c. 151.

CHAPTER 229.

AN ACT AUTHORIZING MODERATORS AND TOWN CLERKS TO APPOINT TELLERS IN TOWN MEETINGS.

Amended. St. 1885, c. 261. P. S., c. 7.

CHAPTER 230.

AN ACT CONCERNING DRESSED POULTRY.

Repealed. St. 1887, c. 94. P. S., c. 58.

CHAPTER 235.

AN ACT CONCERNING THE ADMINISTRATION OF THE STATE
DEPARTMENT OF INSURANCE.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 239.

AN ACT CONCERNING THE MASSACHUSETTS SCHOOL FOR IDIOTIC
AND FEEBLE-MINDED YOUTH.

In part repealed. St. 1886, c. 298. P. S., c. 87.

CHAPTER 258.

AN ACT PROVIDING FOR THE DISPOSITION OF UNCLAIMED MONEY
IN THE HANDS OF CERTAIN INSOLVENT CORPORATIONS.

In part repealed. Sts. 1886, c. 300; 1887, c. 214, § 114. P. S., cc. 116, 119.

CHAPTER 262.

AN ACT GIVING TO A WIFE THE RIGHT OF INTERMENT IN A
BURIAL LOT OR TOMB OWNED BY HER HUSBAND.

Not affected by St. 1885, c. 302. P. S., c. 82, § 3.

CHAPTER 263.

AN ACT TO AMEND AN ACT RELATING TO THE ADULTERATION OF
FOOD AND DRUGS.

Repealed. St. 1884, c. 289, § 6. P. S., c. 208.

St. 1884.

CHAPTER 42.

AN ACT TO AUTHORIZE TOWNS TO VOTE MONEY FOR CERTAIN
MEMORIAL PURPOSES.

Affected. St. 1886, c. 76. P. S., c. 27.

CHAPTER 45.

AN ACT TO PROVIDE FOR AN ALLOWANCE TO CERTAIN OFFICERS
IN THE VOLUNTEER MILITIA.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 55.

AN ACT RELATING TO THE PAYMENT BY INSURANCE COMPANIES FOR THE VALUATION OF THEIR POLICIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 56.

AN ACT TO LIMIT THE LIABILITY WHICH MAY BE INCURRED BY ANY ONE PERSON TO SAVINGS BANKS.

Repealed. St. 1884, c. 168. P. S., c. 116, § 20.

CHAPTER 58.

AN ACT IN RELATION TO STATEMENTS MADE BY FOREIGN FIRE INSURANCE COMPANIES, Etc.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 64.

AN ACT TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES THROUGH THE PUBLIC SCHOOLS.

Amended. St. 1885, c. 198. P. S., c. 47.

CHAPTER 74.

AN ACT AUTHORIZING INSURANCE COMPANIES TO ELECT THEIR DIRECTORS BY CLASSES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 88.

AN ACT REQUIRING NOTICE TO AUTHORITIES OF CITIES AND TOWNS UPON APPLICATIONS FOR COMMITMENT OR ADMISSION TO THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Repealed. St. 1886, c. 298. P. S., c. 87.

CHAPTER 118.

AN ACT RELATING TO THE EXPENSE OF RECORDING PROBATE PROCEEDINGS IN THE COUNTY OF SUFFOLK.

Repealed. St. 1887, c. 217. P. S., c. 156, § 44.

CHAPTER 119.

AN ACT IN RELATION TO DEPOSITS MADE BY DOMESTIC INSURANCE COMPANIES, Etc.

Repealed. St. 1887, c. 211, § 112. P. S., c. 119.

CHAPTER 120.

AN ACT RELATING TO THE REINSURANCE OF RISKS, Etc.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 154.

AN ACT TO PREVENT THE POLLUTION OF SOURCES OF WATER:
SUPPLY.

Affected. St. 1886, c. 274. P. S., c. 80.

CHAPTER 166.

AN ACT RELATING TO THE PRINTING AND DISTRIBUTION OF THE
LAWS AND PUBLIC DOCUMENTS.

Repealed. St. 1885, c. 369, § 4. P. S., c. 4.

CHAPTER 168.

AN ACT IN RELATION TO INVESTMENTS ON PERSONAL SECURITIES
BY SAVINGS BANKS.

Affected. St. 1886, c. 69. P. S., c. 116.

CHAPTER 174.

AN ACT TO PROVIDE FOR THE PUNISHMENT OF EMBEZZLEMENT BY
OFFICERS AND SERVANTS OF VOLUNTARY ASSOCIATIONS.

Affected. St. 1886, c. 328. P. S., c. 203.

CHAPTER 177.

AN ACT TO AUTHORIZE MARINE INSURANCE COMPANIES WITH
THE REQUISITE CAPITAL TO INSURE AGAINST LOSS OR
DAMAGE BY FIRE AND LIGHTNING.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 178.

AN ACT IN RELATION TO FIRE AND MARINE INSURANCE COM-
PANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 180.

AN ACT AUTHORIZING THE FORMATION OF CORPORATIONS TO
EXAMINE AND GUARANTEE TITLES TO REAL ESTATE.

Superseded. St. 1887, c. 214, §§ 62, 63. P. S., c. 106.

CHAPTER 181.

AN ACT TO PROVIDE FOR TAKING THE DECENNIAL CENSUS AND
THE INDUSTRIAL STATISTICS OF THE COMMONWEALTH.

In part repealed. St. 1886, c. 174. P. S., c. 31.

CHAPTER 190.

AN ACT RELATING TO THE EXAMINATION OF CANDIDATES FOR
DISTRICT POLICE.

Repealed. St. 1885, c. 186. P. S., c. 103.

CHAPTER 212.

AN ACT FOR THE BETTER PROTECTION OF LOBSTERS.

Amended. St. 1887, c. 314. P. S., c. 91.

CHAPTER 215.

AN ACT TO PROVIDE FOR COMPOSITION WITH CREDITORS IN
INSOLVENCY.

Amended. St. 1885, c. 353. P. S., c. 157.

CHAPTER 217.

AN ACT TO FIX THE TIME OF FILING THE ANNUAL STATEMENTS
OF INSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 222.

AN ACT REQUIRING RAILROAD COMPANIES TO USE SAFETY
COUPLERS ON FREIGHT CARS.

Affected. St. 1886, c. 242. P. S., c. 112.

CHAPTER 226.

AN ACT IN RELATION TO BETTERMENTS, ETC.

Affected. St. 1887, c. 124. P. S., c. 51.

CHAPTER 230.

AN ACT CONCERNING THE VOLUNTEER MILITIA.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 235.

AN ACT TO PREVENT DISCRIMINATION BY LIFE INSURANCE
COMPANIES AGAINST PERSONS OF COLOR.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 236.

AN ACT CREATING THE AMBULANCE CORPS, Etc.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 247.

AN ACT EXTENDING THE AUTHORITY TO SUMMON WITNESSES.

Repealed. St. 1885, c. 141. P. S., cc. 155, 169.

CHAPTER 255.

AN ACT TO ESTABLISH A REFORMATORY FOR MALE PRISONERS

Added to. Sts. 1884, c. 331; 1885, c. 35. P. S., c. 221.

Sections 33, 34, affected. St. 1886, c. 323.

CHAPTER 275.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS IN MERCANTILE ESTABLISHMENTS.

Affected. St. 1886, c. 90. P. S., c. 74.

CHAPTER 282.

AN ACT FOR THE PROTECTION OF GAME, Etc.

Repealed. St. 1887, c. 111. P. S., c. 92.

CHAPTER 296.

AN ACT RELATING TO THE FORMATION OF COMPANIES TO GUARANTY THE FIDELITY OF PERSONS, Etc.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 298.

AN ACT TO ASCERTAIN BY PROPER PROOFS THE CITIZENS WHO ARE ENTITLED TO THE RIGHT OF SUFFRAGE.

Section 24, affected. St. 1887, c. 432. P. S., c. 6.

Section 25, amended. St. 1885, c. 279, § 6.

Section 28, amended. St. 1886, c. 68.

CHAPTER 299.

AN ACT CONCERNING ELECTIONS AND VOTING THEREIN.

Amended. St. 1885, cc. 5, 351. P. S., c. 7.

Sections 14-17, extended. St. 1887, c. 443.

CHAPTER 307.

AN ACT TO PREVENT THE ADULTERATION OF VINEGAR.

Section 2, amended. St. 1885, c. 150. P. S., c. 60.

CHAPTER 310.

AN ACT IN RELATION TO THE INSPECTION AND SALE OF MILK
AND BUTTER.

Section 1, amended. St. 1886, c. 317.

Sections 3, 4, amended. St. 1886, c. 318. P. S., c. 57.

CHAPTER 319.

AN ACT PROVIDING FOR THE COMPENSATION OF MEMBERS OF THE
LEGISLATURE.

Superseded. St. 1886, c. 352. P. S., c. 2.

CHAPTER 320.

AN ACT TO IMPROVE THE CIVIL SERVICE OF THE COMMON-
WEALTH AND THE CITIES THEREOF.

Amended. St. 1887, c. 437.

CHAPTER 330.

AN ACT CONCERNING FOREIGN CORPORATIONS HAVING A USUAL
PLACE OF BUSINESS IN THIS COMMONWEALTH.

Affected. St. 1886, c. 230. P. S., c. 105.

St. 1885.

CHAPTER 5.

AN ACT CONCERNING ELECTIONS IN TOWNS.

Amended. St. 1885, c. 351. P. S., c. 7.

CHAPTER 15.

AN ACT PROVIDING FOR ADDITIONAL CLERICAL ASSISTANCE IN
THE OFFICE OF THE TREASURER,

Repealed. St. 1886, c. 38. P. S., c. 17.

CHAPTER 79.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE
MUNICIPAL COURT OF THE DORCHESTER DISTRICT.

Affected. St. 1886, c. 124. P. S., c. 154.

CHAPTER 144.

AN ACT RESPECTING COMPLAINTS IN CERTAIN CRIMINAL PROSECUTIONS.

Repealed. St. 1886, c. 53. P. S., c. 213.

CHAPTER 147.

AN ACT RELATING TO RENT OF ARMORIES.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 148.

AN ACT TO AID IN THE SUPPRESSION OF CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

Repealed. St. 1887, c. 252, § 24. P. S., c. 92.

CHAPTER 204.

AN ACT IN RELATION TO THE PAYMENT OF STATE AID, ETC.

In part repealed. St. 1887, c. 122. P. S., c. 30.

CHAPTER 220.

AN ACT IN RELATION TO LICENSES TO PLANT, GROW AND DIG OYSTERS, AND TO THE TAKING OF SCALLOPS.

Section 4, repealed. St. 1887, c. 96. P. S., c. 91.

CHAPTER 238.

AN ACT RELATING TO THE TAXATION OF TELEPHONE COMPANIES.

Amended. St. 1886, c. 270. P. S., c. 13.

CHAPTER 241.

AN ACT IN RELATION TO FOREIGN FIDELITY INSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 271.

AN ACT RELATING TO THE ASSESSMENT AND REGISTRATION OF VOTERS.

Section 1, amended. St. 1886, c. 68. P. S., c. 6.

CHAPTER 291.

AN ACT PROVIDING FOR THE APPOINTMENT OF OFFICIAL STENOGRAPHERS FOR THE SUPERIOR COURT.

Amended. St. 1887, c. 74. P. S., c. 159.

CHAPTER 292.

AN ACT IN RELATION TO THE LICENSING OF DOGS.

Limited. St. 1887, c. 307. P. S., c. 102.

CHAPTER 300.

AN ACT RELATING TO INSURANCE BY FOREIGN INSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 308.

AN ACT TO ALLOW INSURANCE COMPANIES TO MAKE ADDITIONAL INVESTMENTS OF THEIR CAPITAL STOCK.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 309.

AN ACT AUTHORIZING CITIES AND TOWNS TO LICENSE GROVES,
ETC.

Extended. St. 1887, c. 445. P. S., c. 102.

CHAPTER 313.

AN ACT TO ESTABLISH A BOARD OF REGISTRATION IN PHARMACY

Section 3, repealed. St. 1887, c. 267.

CHAPTER 314.

AN ACT TO ESTABLISH A BOARD OF GAS COMMISSIONERS.

Affected. St. 1886, c. 346. P. S., c. 61.

Sections 6, 7, 9, 12, 13, 14, extended. St. 1887, c. 329.

CHAPTER 341.

AN ACT RELATING TO WRECKS AND SHIPWRECKED GOODS.

Repealed. St. 1887, c. 98, § 16. P. S., c. 97.

CHAPTER 345.

AN ACT IN RELATION TO NATURALIZATION.

Amended. St. 1886, cc. 45, 203. P. S., c. 160.

Section 5, amended. St. 1887, c. 36.

Section 7, repealed. St. 1887, c. 329.

CHAPTER 352.

AN ACT IN RELATION TO THE INSPECTION AND SALE OF MILK AND BUTTER.

Amended. St. 1886, cc. 317, 318. P. S., c. 57.

CHAPTER 354.

AN ACT TO AUTHORIZE THE FORMATION OF MUTUAL FIRE INSURANCE COMPANIES WITH A SUBSCRIPTION FUND.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

ST. 1886.

CHAPTER 38.

AN ACT TO ESTABLISH THE SALARIES OF THE CLERKS IN THE OFFICE OF THE TREASURER AND PROVIDE FOR THEIR PROPER DESIGNATION.

Affected. St. 1886, c. 334. P. S., c. 17.

CHAPTER 51.

AN ACT IN RELATION TO THE COMPENSATION OF REFEREES, ETC.

Amended. St. 1887, c. 289. P. S., c. 51.

CHAPTER 63.

AN ACT IN AMENDMENT OF CHAPTER FOURTEEN OF THE PUBLIC STATUTES, ETC.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 87.

AN ACT TO PROVIDE FOR THE WEEKLY PAYMENT OF WAGES BY CORPORATIONS.

Amended. St. 1887, c. 399. P. S., c. 74.

CHAPTER 90.

AN ACT TO AMEND SECTION FOUR OF CHAPTER SEVENTY-FOUR OF THE PUBLIC STATUTES RELATIVE TO THE PRINTED NOTICE REQUIRED IN MANUFACTURING ESTABLISHMENTS.

Repealed. St. 1887, c. 280, § 2. P. S., c. 74.

CHAPTER 105.

AN ACT TO ENABLE THE QUARTERMASTER-GENERAL TO REQUIRE ANNUAL RETURNS, ETC.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 169.

AN ACT RELATING TO THE RETURN OF FEES, COSTS, FINES,
FORFEITURES AND OTHER MONEYS BY CERTAIN OFFICERS.

Repealed. St. 1887, c. 438, § 8. P. S., c. 16.

CHAPTER 187.

AN ACT ESTABLISHING THE SALARIES OF CERTAIN CLERKS, ETC.,
IN THE DEPARTMENT OF THE INSURANCE COMMISSIONER.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 192.

AN ACT FOR THE PROTECTION OF THE FISHERIES IN BUZZARD'S
BAY.

Section 4, amended. St. 1887, c. 197. P. S., c. 91.

CHAPTER 222.

AN ACT EXTENDING THE POWERS OF CERTAIN INSURANCE
COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 241.

AN ACT TO PROVIDE FOR THE CARE AND EDUCATION OF CHIL-
DREN WHO ARE BOTH DEAF MUTES AND BLIND.

Repealed. St. 1887, c. 179, § 2. P. S., c. 41.

CHAPTER 263.

AN ACT TO PROVIDE FOR A STATE BOARD OF ARBITRATION, ETC.

Amended. St. 1887, c. 269. P. S., c. 74.

CHAPTER 276.

AN ACT FOR THE BETTER PRESERVATION OF BIRDS AND GAME.

Section 6, limited. St. 1887, c. 300. P. S., c. 92.

CHAPTER 298.

AN ACT CONCERNING THE MASSACHUSETTS SCHOOL FOR THE
FEEBLE-MINDED.

Section 4, repealed. St. 1887, c. 123. P. S., c. 87.

CHAPTER 346.

AN ACT IN RELATION TO GAS COMPANIES.

Sections 1, 2, 5, extended. St. 1887, c. 382. P. S., c. 61.

ST. 1887.

CHAPTER 215.

AN ACT TO SECURE UNIFORM AND PROPER MEAL TIMES FOR CHILDREN, YOUNG PERSONS AND WOMEN EMPLOYED IN FACTORIES AND WORKSHOPS.

Amended. St. 1887, c. 330. P. S., c. 74.

CHAPTER 219.

AN ACT TO AMEND SECTION TWENTY-THREE OF CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC STATUTES, RELATING TO THE AUTHORITY OF INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

Repealed. St. 1887, c. 276. P. S., c. 104.

PUBLIC STATUTES.

CHAPTER 1.

OF THE JURISDICTION OF THE COMMONWEALTH AND PLACES CEDED TO THE UNITED STATES.

SECT. 1. Provision is made for defining the boundary line between Massachusetts and Rhode Island. St. 1883, cc. 113, 154. And between Massachusetts and New Hampshire. Res. 1885, c. 77; 1886, c. 58.

SECT. 4. The United States are given concurrent jurisdiction with the Commonwealth over lands of the United States Fish and Fisheries Commission. St. 1882, c. 131.

CHAPTER 1a.

OF THE GREAT SEAL.

The form of the Great Seal is established. St. 1885, c. 288.

CHAPTER 2.

OF THE GENERAL COURT.

SECTS. 5-14. The law as to the notice to be given of petitions to the legislature is revised and amended. St. 1885, c. 24.

SECT. 15. The pay of members of the legislature is increased from \$500 to \$650. St. 1884, c. 319. And to \$750. St. 1886, c. 352.

SECT. 17. The compensation of the doorkeepers of the senate and house of representatives is fixed at \$1,400; that of the messengers at \$750; and that of the assistant doorkeepers and postmaster at \$850. St. 1887, c. 116.

SECT. 18. The compensation of the pages of the senate and house of representatives is fixed at three-fifths of that of the messengers. St. 1887. c. 116.

SECT. 21. The salaries of the clerks of the senate and of the house of representatives are increased from \$2,500 to \$3,000. St. 1884, c. 329.

SECT. 22. The salaries of the assistant clerks of the senate and of the house of representatives are increased from \$900 to \$1,500. Sts. 1882. c. 257, § 1; 1884, c. 334.

SECTS. 24, 35. The sections relating to the annual election sermon are repealed. St. 1884, c. 60.

SECT. 27. The limit of the number of doorkeepers, assistant doorkeepers, messengers and pages is increased from twenty-five to thirty-two. St. 1882, c. 257, § 4.

SECT. 34. No session of the legislature is to be held and public offices are to be closed on Monday when Christmas falls on the Sunday preceding. St. 1882, c. 49.

CHAPTER 3.

OF THE STATUTES.

SECT. 1. When an act is required to be accepted by a municipal or other corporation, a return of its action must be made by it to the secretary of the Commonwealth. St. 1883, c. 100.

SECT. 3. "Mayor and aldermen" shall be construed to mean "board of aldermen," unless it is otherwise provided, and except in case of appointments. St. 1882, c. 164.

"Net indebtedness" of towns, cities and districts in the laws regulating the investments of banks, etc., shall be computed omitting water debts and deducting sinking funds. St. 1883, c. 127.

A daily or weekly periodical devoted exclusively to legal news shall be deemed to be a newspaper for the insertion of legal notices. St. 1885, c. 235.

CHAPTER 4.

OF THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

Tables of changes in the Public Statutes by subsequent legislation, and indexes, are to be prepared and published with such editions of the laws as the governor directs. St. 1882, c. 238.

SECT. 1. Six thousand copies of the blue book are to be printed, instead of four thousand five hundred, and the members of the general court and clerks of the two branches are to receive ten copies instead of eight copies each. Sts. 1884, c. 166, § 1; 1885, c. 369, § 2.

SECTS. 5 *et seq.* Provision is made for reports of capital trials. St. 1886, c. 214.

SECT. 7. "Of labor" is added after "bureau of statistics." St. 1882, c. 6, § 1.

The number of copies of reports to be printed is changed and in some cases the distribution to be made of them. Sts. 1884, c. 166; 1885, c. 369.

SECT. 9. Provision is made for the annual publication of election cases. Res. 1886, c. 36.

SECT. 10. The assistant clerks are given the same documents which the clerks now receive. St. 1882, c. 158.

By Res. 1882, c. 57, a contract for the state printing for five years is to be made in the mode there provided.

SECTS. 9, 10. The number of legislative manuals to be printed is increased and one copy is to be given to each town and city clerk. St. 1883, c. 55.

SECT. 12. One copy of the Index-Digest of the Massachusetts reports is to be furnished to each city and town. St. 1887, c. 118.

CHAPTER 5.

OF THE STATE HOUSE, THE SERGEANT-AT-ARMS, AND STATE LIBRARY.

The Commonwealth Building is put in charge of the same officers and committee as the State House, and the janitor and fireman at Pemberton Square are transferred to it. St. 1884, c. 14.

The commissioners on the State House no longer have in charge the contingent expenses of the council and the offices in the State House. St. 1887, c. 128.

SECTS. 4, 6, 9, 10. The duties of the sergeant-at-arms are defined and the salaries and designations of certain of his appointees are established. St. 1887, c. 128.

SECT. 10. The salary of the sergeant-at-arms is raised from \$2,500 to \$3,000. St. 1884, c. 333.

SECT. 17. The salary of the assistant librarian and clerk of the board of education is raised from \$2,000 to \$2,500. St. 1887, c. 209.

SECT. 18. The allowance for assistance in the State library is increased from \$1,800 to \$2,500. Sts. 1882, c. 29; 1886, c. 66.

SECT. 20. The amount annually appropriated for books, furniture, etc., is increased from \$2,300 to \$3,300. St. 1882, c. 196.

CHAPTER 6.

OF THE QUALIFICATION AND REGISTRATION OF VOTERS.

This chapter is repealed and a new chapter is substituted. St. 1884, c. 298.

The section providing that persons naturalized shall not register for thirty days is repealed. St. 1887, c. 329.

Temporary registrars of voters may be appointed when a member of the board is absent or unable to act. St. 1885, c. 246.

Provision is made for the removal of registrars of voters. St. 1887, c. 432.

Further provision is made for the assessment and registration of voters and for hearings on the question of residence. At such hearings false swearing is perjury. St. 1885, c. 271.

Further provision is made for the assessment and registration of women as voters. St. 1886, c. 68.

CHAPTER 7.

OF THE MANNER OF CONDUCTING ELECTIONS AND RETURNING VOTES.

This chapter, with the acts amending it, is revised. St. 1884, c. 299.

The provisions of St. 1884, c. 299, shall not apply to town meetings held for the election of town officers, and all acts on that point repealed are revived. St. 1885, cc. 5, 351.

Precinct voting in towns is provided for and regulated. St. 1886, c. 264.

The defacing or injury of voting lists is punished. St. 1887, c. 147.

Persons employed in certain manufacturing, mechanical or mercantile establishments must be allowed time to vote. St. 1887, c. 272.

SECT. 5. The time for designating the polling places in cases of special elections is reduced from thirty to ten days. If no convenient place can be had within the precinct a place in an adjoining precinct may be designated. St. 1885, c. 142.

The supervisors may be sworn before the town clerk or any officer qualified to administer oaths. St. 1885, c. 268.

SECT. 8. Selectmen presiding at town meetings may appoint tellers to aid them in checking names of voters or in assorting and counting votes. They shall be chosen equally from the two chief political parties. Such teller is subject to the same penalties as the officer who appoints him. Sts. 1883, c. 229; 1885, c. 261.

SECT. 14. Ballots with a certificate of their genuineness may be filed with the city clerk seven days before election, and any attempt to counterfeit or imitate such certificate is punished. St. 1886, c. 248.

The material, style, size and form of ballots on the question of license is regulated. St. 1886, c. 49.

SECTS. 26, 27. Detached stickers or separate pieces of paper of a surface of less than six square inches are not to be counted, but are to be preserved. St. 1882, c. 260.

SECTS. 36, 52. Where the ballots are recounted, the candidates must be notified and may be present personally or by an agent appointed in writing. St. 1883, c. 42.

Provision is made for the recount of ballots in towns. St. 1886, c. 262.

SECT. 45. If the copies of the records of votes are incomplete or erroneous, new copies may be required. Wilful neglect to furnish them is punished. St. 1882, c. 28, §§ 1, 2.

An abstract of the returns, and a statement of all cases where corrected returns have been received, shall be furnished to newspapers applying, and the copies shall be open to inspection by persons interested. St. 1882, c. 28, § 3.

St. 1882, c. 28, which provides for the correction of errors in the returns of votes under this section is extended to all returns of votes required by law. St. 1885, c. 108.

SECTS. 48-50. If the copies of the record of votes for county commissioners, county treasurer or register of deeds appear to be incomplete or erroneous, new copies may be required. A penalty is imposed for any delay in forwarding or filing the new copies. St. 1885, c. 229.

SECT. 55. Whoever, knowing that he is not a qualified voter, votes for any town officer, is punished. St. 1885, c. 351.

SECTS. 1, 2, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 34, 36, 38, 39, 51, 52, 55, 62, are repealed. St. 1884, c. 299, § 44.

CHAPTER 8.

OF THE ELECTION OF GOVERNOR AND OTHER STATE OFFICERS.

SECTS. 2, 3. New councillor districts are established. St. 1886, c. 348.

SECTS. 4, 5. New senatorial districts are established. St. 1886, c. 338.

SECT. 6. New representative districts are established. St. 1886, c. 256.

SECT. 10. The meeting of the clerks to examine the returns shall be on the tenth day after the election, instead of on the next day. St. 1886, c. 262.

SECT. 11 is repealed. St. 1886, c. 262, § 6.

SECT. 13. Both certificates of election are to be transmitted within fifteen days, instead of one in ten days and the other before the first Wednesday of January. St. 1885, c. 107, § 1.

SECT. 14. The certificates are to be transmitted within fifteen days, instead of one within ten days and the other before the first day of January. St. 1885, c. 107, § 2.

CHAPTER 9.

OF THE ELECTION OF REPRESENTATIVES IN CONGRESS AND ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

SECTS. 1, 2. A new division of the state into congressional districts is made. St. 1882, c. 253.

CHAPTER 11.

OF THE ASSESSMENT OF TAXES.

SECT. 4, which defines taxable personal estate, is amended in the line reading "but not including in such debts due any loan on mortgage of real estate," by striking out "due" and inserting in its place "or indebtedness." St. 1882, c. 76.

Corporations formed to construct railroads and telegraphs in foreign countries shall be within the proviso of this section. St. 1887, c. 228.

SECT. 5, Cl. 3. The exemption given to literary, scientific and charitable institutions is lost by a wilful omission to bring in the list required, but this act does not apply to corporations making returns to the insurance commissioner. St. 1882, c. 217, §§ 2, 4.

Temperance societies are also exempt. St. 1886, c. 231.

SECT. 5, Cl. 9. The real estate and buildings of unincorporated horticultural societies, so far as used for offices, libraries and exhibitions, is exempt. St. 1884, c. 176.

SECT. 5, Cl. 10. That the property is owned in common with others does not affect the exemption. St. 1885, c. 169.

The property of the Lynn Workingmen's Aid Association is exempt. St. 1884, c. 184.

SECT. 10. The provisions of this section as to the taxable valuation of vessels engaged in the foreign carrying trade are extended for two years. St. 1887, c. 373.

SECT. 14, which provides for the taxation of mortgaged real estate, and prevents double taxation, is amended by changing "taxable real estate," in the first line, to "real estate not exempt from taxation under section five of this chapter." St. 1882, c. 175.

SECT. 20. Two classes are added: 8th, personal property held by an assignee in insolvency, or by an assignee for creditors, is assessed to him at the insolvent's place of business, or if he had none, at his residence; 9th, personal property held by joint owners or tenants in common, not partners, to them according to their respective interests, at the place where they respectively reside. St. 1882, c. 165.

Provision is made for the assessment of taxes on royalty-paying machines. St. 1887, c. 125.

SECTS. 31, 35. The taxes assessed, exclusive of state tax, county tax and sums required to be raised for the city debt, shall not exceed twelve dollars on every thousand of the average valuation of the preceding three years, and any order or appropriation requiring a larger assessment is void. St. 1885, c. 312, § 1.

SECT. 38. A sworn statement of mortgaged real estate, giving the amount of the mortgage, must be filed or the interest of the mortgagee need not be assessed to him. St. 1882, c. 175, § 1.

A list of property held for literary, benevolent, charitable or scientific purposes, and of all receipts and expenditures for said purposes, is required of persons and corporations except such as make returns to the insurance commissioner under Pub. St., c. 11, § 115. St. 1882, c. 217, § 1.

SECT. 49. The overlay is valid, although it may cause the tax to exceed the legal limit. St. 1887, c. 226.

SECT. 52. The title of the first column of the valuation book is changed from "Names of Persons Assessed" to "Names and Residences of Persons Assessed." St. 1883, c. 41, § 1.

SECTS. 52, 54. The table of aggregates is to be deposited every year, and new items are included. St. 1887, c. 86.

SECT. 53. In the first column, the street and number of the person's residence are to be added to the name. St. 1883, c. 41, § 2.

SECT. 54. The assessors are required to enumerate and return the number of neat cattle other than cows assessed, and the number of swine assessed. St. 1885, c. 106.

The value of the buildings, the total number of tax payers, the number who pay a tax on property and the number who pay a poll tax only are to be stated. St. 1886, c. 56.

SECTS. 54, 55. Copies of the assessors' books, instead of being deposited with the secretary of the Commonwealth on the fifth and tenth years, are to be deposited every third year, beginning with 1883. The copy of the table of aggregates is to be deposited each year, instead of eight years in ten. St. 1883, c. 91.

SECT. 71. On petitions for the abatement of taxes, the county commissioners on appeal may make such order as to costs as justice requires, but taxable costs shall not be given to a party who has failed to file a list of his property. St. 1882, c. 218.

SECT. 77. Dues or taxes for school books may be abated under this section. St. 1885, c. 67.

SECT. 78. The time for assessing omitted taxes is extended so that any estate discovered after the rate of taxation has been declared, instead of after the warrant has been committed to the collector, may be assessed. Such assessment may be made before December 15 instead of before September 15. St. 1886, c. 85.

SECT. 90. The assessors, with the statement of exempt property, must send to the tax commissioner all lists and statements filed by persons or corporations holding property for literary, benevolent, charitable or scientific purposes. St. 1882, c. 217, § 3.

SECT. 91. In addition to the debts and assets, the amount of the sinking funds or annual proportionate payments of debts must be given. St. 1882, c. 133, § 2.

SECT. 92. The return as to steam boilers in Boston shall be made by the inspector of buildings. St. 1882, c. 252, § 5.

CHAPTER 12.

OF THE COLLECTION OF TAXES.

SECTS. 1, 2. The collector must make return of his warrant at such time as the assessors shall order therein. St. 1887, c. 110.

SECT. 35. The surplus from tax sales must be deposited in the city or town treasury, and paid over to the owner on demand. St. 1884 c. 162.

SECT. 39. The objections to the title must be stated, where an offer to surrender a tax deed is made, and the time for the surrender of existing deeds is limited. St. 1882, c. 243, § 3.

SECT. 50. Every person acquiring a tax-title is required to file his address with the treasurer, and, if a non-resident, to appoint an agent authorized to execute a release and to receive service, and to whom a tender may be made. St. 1882, c. 243, §§ 1, 2.

SECT. 58. Towns are required to sell lands taken or purchased for taxes within two years, instead of forthwith. St. 1883, c. 101.

The sale is made by the collector for the time being. If no person appears to bid an amount equal to the sum due at the original sale or taking with all intervening charges, the collector may purchase for the city or town, under § 40. St. 1884, c. 242.

Provision is made for the disposition of land bid in for taxes. St. 1886, c. 320.

SECT. 73. Collectors of taxes must keep proper books of account, including a cash book in which certain particulars must appear. These books are the property of the city or town, and furnished at its expense and open to examination by its officers. St. 1887, c. 110.

CHAPTER 13.

OF THE TAXATION OF CORPORATIONS.

SECT. 1. The salary of the deputy tax commissioner is raised from \$2,750 to \$3,000. St. 1887, c. 342, § 1.

SECT. 2. The salary of the first clerk in the office of the deputy tax commissioner is raised from \$1,800 to \$2,000, and that of the second clerk from \$1,300 to \$1,500. The amount allowed for other assistance is increased from \$12,000 to \$14,000. St. 1887, c. 342, § 2.

SECT. 6. The tax commissioner must furnish blanks for the returns of property held for literary, benevolent, charitable or scientific purposes. St. 1882, c. 217, § 3

It would appear that he should send the blanks for steam boiler returns in Boston to the inspector of buildings and not to the assessors. St. 1882, c. 252, § 5.

SECT. 10. The tax on the shares of stock in banks is made a lien on the shares. Provision is made for the payment of the tax under protest. The governor, with the consent of the council, may employ counsel to prosecute or defend suits in the United States courts brought with reference to such taxation. St. 1887, 142.

SECTS. 26, 34, 37. The statutes as to the taxation of insurance companies are revised. St. 1887, c. 283.

SECTS. 17, 40. Title insurance companies are taxed under these sections. St. 1884, c. 180.

SECT. 20. The time is extended during which real estate held by savings banks, by foreclosure or purchase at mortgage sales, is exempted. (See c. 116, § 20, cl. 8.) St. 1883, c. 248.

SECT. 24. In this section the name "co-operative savings fund and loan association" is changed to "co-operative bank." St. 1885, c. 121, § 3.

SECTS. 38-40. Telephone companies are to be taxed under these sections. St. 1885, c. 238.

Telephone companies formed under the laws of this State and doing business wholly or partly within this State are taxed under these sections; but not on stock held by them which is also taxed. St. 1886, c. 270.

SECT. 42. Every corporation or association for mining, quarrying, or getting earth oils, or holding lands, organized out of the Commonwealth, which opens an office in the Commonwealth, must pay a tax; and the officers and agents here are liable for it. Sts. 1882, c. 106; 1883, c. 74.

Such corporations need not make returns under St. 1882, c. 106, if they make them under St. 1884, c. 330. St. 1886, c. 230.

SECT. 46. Corporations mentioned in this section are within the proviso of chapter 11, § 4, as to local taxation. St. 1887, c. 228.

CHAPTER 14.

OF THE MILITIA.

The amount now in the treasury on account of bounties and allotments to soldiers is transferred to the bounty loan sinking fund. Claims against it are to be filed with the auditor and allowed by him. St. 1882, c. 112.

The militia laws are revised. St. 1887, c. 411.

SECT. 91. The Grand Army may be allowed to use the State camp ground. Res. 1882, c. 15.

CHAPTER 15.

OF THE EXECUTIVE DEPARTMENT AND THE SECRETARY OF THE COMMONWEALTH.

SECT. 1. The salary of the governor after 1884 is \$5,000, instead of \$4,000. St. 1884, c. 328.

SECT. 5. The salary of the private secretary of the governor is raised from \$1,500 to \$2,000. St. 1885, c. 77.

SECT. 6. The salary of the executive clerk is raised from \$1,200 to \$1,700. Sts. 1884, c. 8; 1887, c. 83.

The salary of the executive messenger is raised from \$800 to \$1,000. Sts. 1884, c. 38; 1887, c. 221.

SECT. 9. The salary of the secretary of the Commonwealth is raised from \$2,500 to \$3,000. St. 1884, c. 79.

SECT. 10. The salary of the first clerk of the secretary is raised from \$1,800 to \$2,000. St. 1885, c. 87.

Of the second clerk, from \$1,500 to \$1,700. St. 1886, c. 238.

And of the third clerk, from \$1,200 to \$1,500. Sts. 1883, c. 48; 1887, c. 26.

The allowance of the secretary of the Commonwealth for clerk hire is increased from \$10,000 to \$11,000. St. 1884, c. 15.

SECT. 15. The duty of furnishing blank forms for returns of criminal cases pending is transferred from the secretary to the commissioners of prisons. St. 1882, c. 226.

CHAPTER 16.

OF THE AUDITOR, TREASURER, AND MATTERS OF FINANCE.

The par of exchange established by U. S. Rev. St., § 3565, is adopted. St. 1882, c. 110.

The accounts of all State institutions, penal and charitable, and all other public institutions for the support of which appropriations are made annually by the legislature, are to be kept under the direction of the auditor of the Commonwealth. He shall prescribe the number and form of all analytical or subsidiary accounts. The accounts must show the expenditures, the estimated cash value of the products and the value of the labor of the inmates. St. 1887, c. 87.

A controller to audit the accounts of county officers, officers of inferior courts and trial justices is to be appointed. His duties are defined, and these officers are to make their returns to him. The times when they shall make returns and pay over money in their hands is fixed. St. 1887, c. 438.

SECT. 2. The salary of the auditor is raised from \$2,500 to \$3,000, and that of his first clerk from \$1,800 to \$2,000. St. 1885, c. 195.

The salary of his second clerk is raised from \$1,500 to \$1,700. St. 1887, c. 30.

SECT. 7. The auditor is required to submit an abstract of his report by January 30, and the full report as soon as may be. St. 1884, c. 207.

SECT. 17. The salary of the treasurer is raised from \$4,000 to \$5,000. St. 1885, c. 263.

He is allowed one more clerk. St. 1882, c. 111. He is also allowed a fund clerk. St. 1883, c. 164. And he may temporarily employ additional clerical assistance at an expense not exceeding one thousand dollars in any one year. St. 1885, c. 15.

The clerks are designated. St. 1886, c. 38. The salaries of his clerks are raised at follows: First clerk from \$2,300 to \$2,500, second clerk from \$1,800 to \$2,000, the cashier from \$1,800 to \$2,000, the third clerk from \$1,200 to \$1,400, the fund clerk from \$1,200 to \$1,400. The salary of the receiving teller is fixed at \$1,400, and of the paying teller at \$1,200. St. 1886, c. 334.

SECT. 26. The annual financial estimates are hereafter to be made to the auditor instead of to the secretary. St. 1885, c. 41.

SECT. 28. Money for small expenses may be advanced to officers authorized to expend money. St. 1884, c. 179.

SECT. 42. Is repealed, and the power of committees to cause hearings to be advertised is limited. St. 1885, c. 371.

SECT. 52. Money from sales of public property must be accompanied by a sworn itemized account, approved by the proper officers. St. 1884, c. 326.

SECT. 60. The authorized investments of the state funds are enlarged. St. 1882, c. 130.

SECT. 72. The account which certain officers must make of fees, fines and other moneys received by them and the disposition made of them must be made in detail. St. 1886, c. 169.

SECT. 73. Is repealed. St. 1887, c. 438, § 8.

CHAPTER 17.

OF THE ATTORNEY-GENERAL AND THE DISTRICT ATTORNEYS.

SECT. 2. He may also appoint a law clerk as an assistant at a salary of \$1,000. St. 1886, c. 216.

SECT. 9. The attorney-general may cause reports of capital trials to be published. St. 1886, c. 214.

SECT. 15. The salary of the district-attorney for the eastern district is raised from \$1,800 to \$2,400, and he is given an assistant at \$1,000 per annum. St. 1882, cc. 156, 157.

The salary of the district attorney for the middle district is raised from \$1,800 to \$2,100. St. 1885, c. 168.

The salary of the district attorney for the western district is raised from \$1,800 to \$2,100. St. 1887, c. 97.

The salary of the district attorney for the Suffolk district is raised from \$1,500 to \$5,000; that of his first assistant to \$2,800; his second assistant to \$2,500, and his clerk from \$1,000 to \$1,200. Sts. 1887, c. 160; 1882, c. 245, § 2.

CHAPTER 18.

OF NOTARIES PUBLIC AND COMMISSIONERS TO ADMINISTER OATHS OF OFFICE AND TO TAKE ACKNOWLEDGMENTS OF DEEDS, ETC.

Women who are attorneys may be appointed special commissioners to administer oaths and take acknowledgments and depositions. St. 1883, c. 252.

SECT. 14. The commissioner may take his official oath before a minister or consul of the United States. St. 1885, c. 31.

CHAPTER 19.

OF THE BOARD OF HARBOR AND LAND COMMISSIONERS.

The commissioners are given the care and custody of the Connecticut river, and are to cause it to be surveyed. St. 1885, c. 344.

SECT. 3. They are given the same charge of all lands of the Commonwealth for which other provision is not made which they now have over lands in tide waters. St. 1886, c. 141.

SECT. 7. Regulations are established for Gloucester harbor. St. 1885, c. 315.

The harbor lines at East Boston are established. St. 1882, c. 48.

At Gloucester. Sts. 1882, c. 103; 1883, c. 109.

At Haverhill. St. 1883, c. 104.

SECTS. 10, 11, 12. These sections shall apply to the Connecticut river. St. 1885, c. 344, §§ 2, 3.

CHAPTER 20.

OF THE STATE BOARD OF AGRICULTURE.

An agricultural experiment station at the Agricultural College in Amherst is established. St. 1882, c. 212.

The board of control of the station must report annually. St. 1883, c. 105.

The members of the board of control are incorporated. St. 1887, c. 31.

The annual appropriation of money by the United States for the support of agricultural experiments is accepted. St. 1887, c. 212.

An additional sum of \$5,000 annually is allowed for the maintenance of the experiment station. St. 1885, c. 327.

SECT. 4. The salary of the secretary is raised from \$2,000 to \$2,500. St. 1883, c. 184.

The sum allowed to the secretary for clerical services, besides his regular clerk, and for lectures, is increased from \$400 to \$800. St. 1884, c. 66.

The salary of the clerk of the secretary is raised from \$1,100 to \$1,200. St. 1887, c. 245.

CHAPTER 21.

GENERAL PROVISIONS RELATING TO STATE OFFICERS.

All official bonds which are in the custody of the treasurer or are by law approved by the governor and council must be examined once each year or oftener. St. 1885, c. 32.

SECT. 10. The treasurer may close his office for the receipt or payment of money at two o'clock instead of three. St. 1886, c. 257.

CHAPTER 22.

OF COUNTIES AND COUNTY COMMISSIONERS.

SECT. 1. Muskeget and Gravelly Islands are annexed to Nantucket County. Taxes therein are to be assessed by and paid to the town of Edgartown. St. 1887, c. 88.

SECT. 14. The sum allowed for the pay of the county commissioners is raised in Essex from \$3,200 to \$3,900; in Middlesex from \$3,000 to \$4,500; in Norfolk from \$1,900 to \$2,700. St. 1885, c. 277. In Worcester from \$3,400 to \$3,900; in Bristol from \$2,000 to \$2,500, and in Plymouth from \$1,900 to \$2,300. St. 1886, c. 251. In Hampshire from \$1,200 to \$1,600. St. 1887, c. 211.

SECT. 15. The sessions of the county commissioners in Berkshire are changed from the first Tuesday of April, July and September, and the last Tuesday of December, to the first Tuesday of January, April, July and October. St. 1883, c. 63.

SECT. 26. This section, giving the right to act on certain matters at other times than regular meetings, is limited to the regular commissioners; and is made expressly applicable to the issuing of orders of notice. St. 1885, c. 91.

CHAPTER 23.

OF COUNTY TREASURERS AND COUNTY FINANCES.

SECT. 2. The salary of the treasurer of Hampden county is raised from \$1,200 to \$1,500. St. 1884, c. 112. And of Worcester and Essex each from \$1,800 to \$2,200. St. 1886, cc. 132, 133. Of Middlesex from \$1,800 to \$2,500. St. 1887, c. 57. Of Hampshire from \$600 to \$800. St. 1887, c. 159.

SECTS. 36, 37, 38, 39. These sections, which require the savings bank commissioners to examine the accounts of certain county officers, are repealed. St. 1887, c. 438, § 8.

CHAPTER 24.

OF REGISTERS OF DEEDS.

SECT. 5. Worcester county is divided for registry purposes, and Fitchburg, Lunenburg, Leominster, Westminster and Ashburnham are made the northern district, and provision is made for the appointment of a register and the transfer of papers. St. 1884, c. 40.

SECT. 9. Women may be appointed to the office of assistant register of deeds. St. 1885, c. 7.

SECT. 22. After January 1, 1886, the indexes in registries of deeds, except Suffolk, shall have a new column, in which shall be entered the towns in which the lands lie. St. 1885, c. 29.

CHAPTER 25.
OF SHERIFFS.

SECT. 20. Writs or processes in favor of as well as against a sheriff are to be so served. St. 1885, c. 75.

SECT. 22. The sheriff of Dukes county is given the fees in addition to his salary. St. 1884, c. 209. And the sheriff of Nantucket. St. 1886, c. 28.

The salary of the sheriff of Berkshire county is raised from \$1,000 to \$1,600. St. 1887, c. 58. Of Essex from \$1,800 to \$2,000. St. 1887, c. 164.

CHAPTER 26.
OF MEDICAL EXAMINERS.

SECT. 2. A new district is made in Franklin county, for which a new examiner is to be appointed. St. 1884, c. 321.

In Plymouth the number of medical examiners and districts is increased from four to five. St. 1886, c. 74.

SECT. 9. The fees of medical examiners are raised. St. 1886, c. 379, § 1.

SECT. 11. A report of each autopsy is to be filed with the district attorney, with a certificate that it was necessary. Except in Suffolk, the district attorney must certify that it was, in his opinion, necessary, before the fee can be paid. St. 1885, c. 379, § 7.

SECT. 20. Provision is made for the disposition of the body. St. 1887, c. 310.

SECT. 24. Certificates are no longer to be made to the treasurer of the Commonwealth. St. 1887, c. 310.

SECT. 25. Special justices of police, district or municipal courts who receive compensation only under P. S., c. 154, § 26, are given the same fees at inquests as trial justices. St. 1885, c. 40.

The same fees are allowed to witnesses and officers at inquests as in criminal prosecutions before trial justices. St. 1883, c. 61.

The fees of the witnesses are fixed. St. 1885, c. 379, § 2.

SECT. 26. A yearly report to the secretary of the Commonwealth is required, for which the examiner is given a fee. The secretary reports the tabular results of the returns to the legislature with the return of births, deaths and marriages. St. 1885, c. 379, §§ 3, 4, 5, 6.

CHAPTER 27.
OF TOWNS AND TOWN OFFICERS.

Towns and cities may devote a part of their territory to the preservation and culture of forest trees for the wood and timber or the preservation of their water supply. They may take or purchase land. The state board of agriculture is given charge of such lands. The town or city may erect thereon buildings for instruction or recreation and borrow money. St. 1882, c. 255.

Towns and cities may lay out public parks and take lands therefor, assess betterments and borrow money. St. 1882, c. 154.

SECT. 9. Any town or city may lease public buildings, except school-houses, to the Grand Army for a period not exceeding five years. St. 1885, c. 60.

SECT. 10. Towns may vote money for erecting headstones or other monuments for soldiers or sailors in the national wars, and keeping the same in repair. St. 1884, c. 42.

The monuments which may be kept in repair or decorated need no longer be within the limits of the town. St. 1886, c. 76.

Cities may appropriate money for the enforcement of the civil service law. St. 1887, c. 345.

SECT. 12. A city or town may raise fifty cents instead of twenty-five cents for each poll, to be expended in planting or the encouragement of the planting of shade trees. St. 1885, c. 123, § 1.

SECTS. 44, 45, 46, 47, 48, 49, with reference to telegraph wires, shall also apply to wires for electric light. St. 1883, c. 221.

SECT. 52. The requirement is added that the voter be registered. St. 1887, c. 249.

SECT. 59. If neither the town clerk nor selectmen are present, the justice of the peace calling the meeting shall preside. St. 1887, c. 371.

SECT. 60. Moderators and town clerks may appoint tellers to assist in counting votes or checking names. St. 1883, c. 229.

SECT. 65. A town may elect three, five, seven or nine assessors, the term of office being three years, and part going out each year; or four assessors, the term being two years, and half going out each year. St. 1883, c. 203, § 1.

SECT. 69. It may in the same way choose three, five, seven or nine overseers of the poor. St. 1883, c. 203, § 2.

Women are eligible as overseers of the poor. St. 1886, c. 150.

SECT. 78. Towns may elect auditors. St. 1886, c. 295.

SECT. 102. The oath is modified in form and must be taken by assessors, assistant assessors and other persons chosen to aid in assessing. St. 1885, c. 355.

SECT. 104. The penalty is extended to all the persons required to take the oath. St. 1885, c. 355, § 2.

Every assessor who fraudulently fixes the valuation at less or more than its fair cash value is punished. St. 1885, c. 355, § 3.

CHAPTER 28.

OF CITIES.

“Mayor and aldermen” shall mean board of aldermen, unless other provision is made, except in case of appointments. St. 1882, c. 164.

In case of death, resignation, absence or inability of the mayor, the office devolves on the chairman of the board of aldermen, if any, then on the president of the common council. Such officer is styled acting mayor. He can make no permanent appointments. St. 1882, c. 182.

Any person elected mayor, alderman, common-councilman or member of

the school committee shall be notified of his election by the board of aldermen within seven days after the result is declared; and if elected at a special election, he shall not act until such notice has been issued. St. 1885, c. 159.

SECT. 6. One of several items in an ordinance or vote involving the appropriation of money or the raising of a tax may be separately vetoed. St. 1885, c. 312, § 3.

SECT. 7. Where the mayor presides in the board of aldermen he has no vote there or in joint convention. St. 1882, c. 180.

SECT. 14. The mayor and aldermen may require a separate return of the inhabitants and legal voters residing in each street for use in the new division of wards. St. 1884, c. 181, § 9.

The enumeration may be by sub-divisions instead of by streets. St. 1885, c. 156.

The time when the new division of wards goes into effect is changed from November 10th to December 15th. St. 1884, c. 125.

The city clerk must make a return to the secretary of the Commonwealth of such new division, stating the number of wards and giving the designation of each voting precinct. St. 1886, c. 78.

All new divisions of wards and precincts made under this section since May 1, 1885, are abolished. St. 1886, c. 283.

SECT. 23. No member of the city council is eligible during his term of office to any office by appointment or election of the city council or either branch thereof, the salary of which office is paid from the city treasury. St. 1886, c. 117.

SECT. 25. The selectmen of towns may make rules for the regulation of carriages and other vehicles as mayors and aldermen of cities may now do. St. 1885, c. 197.

CHAPTER 29.

OF MUNICIPAL INDEBTEDNESS.

SECT. 4. The limit of city debts is reduced from three per cent. to two and one-half per cent., but this does not apply to Worcester, Lynn, Gloucester and Brockton until 1889. St. 1855, c. 312. And also Holyoke. St. 1866, c. 178. And Newburyport in part. St. 1886, c. 254. And Boston in part. St. 1886, c. 304.

SECT. 6. Temporary loans can hereafter be made only in anticipation of the taxes of the current year. St. 1885, c. 312, § 4.

SECTS. 7, 8. Towns and cities which have incurred or shall incur a debt may issue bonds, notes or scrip therefor, with interest at a rate not exceeding six per cent. per annum, and sell the same. St. 1884, c. 129.

SECT. 9. A fixed annual appropriation may be provided as a substitute for a sinking fund. St. 1882, c. 133.

CHAPTER 30.

OF AID TO SOLDIERS AND SAILORS AND TO THEIR FAMILIES.

SECT. 1. The limit of salary of the third commissioner of state aid is raised from \$1,500 to \$1,800. St. 1885, c. 214.

SECTS. 2, 9. State aid is to be paid until January 1st, 1890. St. 1884, c. 34.

SECT. 2. The provisions as to state aid are extended to the three months' troops of 1861 and to the one hundred days' troops of 1864. Sts. 1885, c. 173; 1886, c. 39.

SECTS. 2, 3. State aid may be granted to widows of soldiers, sailors or marines who were married before April 9, 1880. Sts. 1885, c. 204; 1887, c. 122.

Aid for soldiers may be entrusted to Grand Army Posts for distribution. St. 1885, c. 189.

SECT. 18. One or more persons may be appointed to investigate claims for reimbursement of state aid instead of one person. St. 1886, c. 110.

CHAPTER 31.

OF THE CENSUS, THE BUREAU OF STATISTICS OF LABOR AND THE BOARD OF SUPERVISORS OF STATISTICS.

Useless records, schedules and papers accumulating in the bureau of statistics of labor may be destroyed. St. 1887, c. 43.

SECTS. 1-12. These sections relating to the state census are revised. St. 1884, c. 181.

Certain statistics as to manufactures are to be collected annually by the bureau of statistics of labor, and abstracts are to be published and distributed. St. 1886, c. 174.

SECTS. 13, 15. The chief of the bureau of statistics of labor is given a second clerk at \$1,300 per year. St. 1884, c. 4.

CHAPTER 32.

OF THE REGISTRY AND RETURN OF BIRTHS, MARRIAGES AND DEATHS.

SECT. 1. In the records of burials, if the deceased was a married woman, the name of her husband is to be entered. St. 1887, c. 202, § 5.

SECT. 4. The returns of sextons and undertakers shall be preserved, filed, arranged and indexed conveniently for examination and reference. St. 1887, c. 202.

SECT. 5. A certificate approved by the board of health, where there is one, is required before the removal of bodies as well as before burial. St. 1883, c. 124, § 1.

No body of a person dying from certain diseases can be transported unless securely encased; and no permit to remove can be given until the board of health or selectmen have given a certificate stating the cause of death and that the body has been so encased. The certificate goes with the body. St. 1883, c. 124, § 2.

A fine is imposed for violations of St. 1883, c. 124, § 2. St. 1887, c. 335.

SECT. 7. Physicians and midwives are required to report additional facts and are given a fee of twenty-five cents. St. 1883, c. 158.

CHAPTER 33.

OF WORKHOUSES AND ALMSHOUSES.

No person whose insanity has continued less than twelve months can be detained in an almshouse without remedial treatment. St. 1886, c. 319, § 3.

CHAPTER 35.

OF FIRES, FIRE DEPARTMENTS AND FIRE DISTRICTS.

SECT. 1. Forest fire-wards are to be appointed. Their duties are defined. St. 1886, c. 296, § 2.

SECT. 10. These returns shall include forest fires. St. 1886, c. 296, § 4.

SECT. 29. The selectmen may remove engineers after notice and hearing. St. 1886, c. 113.

CHAPTER 36.

OF FENCES AND FENCE VIEWERS, POUNDS AND FIELD DRIVERS.

SECTS. 1-19. Certain fences and other like structures maliciously erected are declared private nuisances. St. 1887, c. 348.

CHAPTER —.

OF THE CIVIL SERVICE.

The appointment of officers in the government of the Commonwealth and of the cities is regulated. St. 1884, c. 320.

Cities may appropriate money for the enforcement of the civil service law. St. 1887, c. 345.

Honorably discharged soldiers and sailors may be preferred for appointment without having passed an examination. St. 1887, c. 437.

The tenure of office of all officers appointed by the governor and council, except when otherwise specially provided by law, continues until their successors are appointed. St. 1887, c. 364.

CHAPTER 37.

OF THE PUBLIC RECORDS.

Clerks of towns and cities shall keep indexes of instruments recorded, in the form here provided. St. 1885, c. 190.

SECT. 3. The county commissioners must furnish additional accommodations when required by a justice of the supreme court. St. 1886, c. 207.

SECT. 5. Records of births may also be copied. St. 1887, c. 202.

CHAPTER 38.

OF PARISHES AND RELIGIOUS SOCIETIES.

Religious societies shall not assess taxes except upon their pews. St. 1887, c. 419.

Provision is made for the incorporation of churches. St. 1887, c. 404.

SECT. 21 is repealed. St. 1887, c. 419.

SECT. 43. This section, defining the powers of officers of the Protestant Episcopal Church is extended to the Reformed Episcopal Church. St. 1886, c. 239.

CHAPTER 39.

OF DONATIONS AND CONVEYANCES FOR PIOUS AND CHARITABLE USES.

SECTS. 1, 2. Churches or religious societies may appoint trustees who, with their successors, shall be a body corporate for the purposes of this section. St. 1884, c. 78.

CHAPTER 40.

OF LIBRARY ASSOCIATIONS.

SECT. 6. The amount which may be paid to the county law libraries is increased from \$1,500 to \$2,000. St. 1882, c. 246.

CHAPTER 41.

OF THE BOARD OF EDUCATION.

SECT. 8. The salary of the secretary of the board of education is raised from \$2,500 to \$3,000. St. 1885, c. 227.

SECTS. 16, 17. The board also supervise the pupils in the Perkins Institution and Massachusetts School for the Blind. St. 1885, c. 118.

SECT. 16. Provision is made for children who are both deaf mutes and blind. St. 1886, c. 241.

The Horace Mann School, Boston, is added to the schools named. Special provision is made for children who are both deaf mutes and blind. No distinction is to be made on account of the wealth or poverty of the parents or guardians of the children. The expenses may be voluntarily paid by the parents or guardians. St. 1887, c. 179.

CHAPTER 43.

OF THE SCHOOL FUNDS.

SECT. 3. The distribution of the half of the school fund not specifically appropriated is changed, increasing the amount given to the smaller towns. St. 1884, c. 22.

CHAPTER 44.

OF THE PUBLIC SCHOOLS.

SECT. 1. The use of hand tools may be taught, if deemed expedient. The tools are to be furnished by the town and loaned to the scholars. St. 1884, c. 69.

SECT. 2. Towns and cities of over ten thousand inhabitants must maintain evening schools, with certain studies. The terms, hours and regulations are fixed by the school committee. St. 1883, c. 174.

Notice must be given of the opening of the evening schools. St. 1887, c. 433, § 4.

Physiology and hygiene, including special instruction as to the effects of alcoholic drinks, stimulants and narcotics on the human system, must be taught in the public schools. St. 1885, c. 332.

SECTS. 1, 2. Cities of over fifty thousand inhabitants must maintain evening high schools when requested by fifty persons intending to be students. St. 1886, c. 236.

SECT. 28. Teachers after a service of one year may be elected to serve during the pleasure of the committee. St. 1886, c. 313.

SECT. 36. Text books and school supplies are hereafter to be purchased and loaned to the pupils. St. 1884, c. 103.

SECTS. 37, 38. The sum due to the town for school books may be abated as in the case of taxes. St. 1885, c. 67.

SECTS. 35-40. Are repealed and school committees may procure, at the expense of the city or town, an appropriation having been previously made therefor, such apparatus, books of reference and other means of illustration as they deem necessary. St. 1885, c. 161.

CHAPTER 45.

OF SCHOOL DISTRICTS.

The school district system is abolished on January 1, 1883, and the affairs of the districts are to be closed. St. 1882, c. 219.

SECT. 8. Towns are given the right to sue or defend for abolished school districts. St. 1884, c. 122.

CHAPTER 47.

OF THE ATTENDANCE OF CHILDREN IN THE SCHOOLS.

SECT. 9. No child can attend school while any person in its family is sick with small-pox, diphtheria or scarlet fever, or until two weeks after its recovery. St. 1884, c. 64.

Nor after recovery without a certificate from the attending physician or board of health. St. 1885, c. 198.

CHAPTER 48.

OF THE EMPLOYMENT OF CHILDREN AND REGULATIONS RESPECTING THEM.

SECT. 1. No minor shall be employed to sell papers devoted to criminal news. St. 1885, c. 305.

No child under twelve years of age shall be employed at any time during the days in which the public schools are in session in the city or town in which he resides. St. 1885, c. 222.

The employment of children over fourteen years of age who cannot read and write is forbidden except by permission of the school committee. St. 1887, c. 433.

It is forbidden to employ children in cleaning dangerous machinery. St. 1887, c. 121.

SECTS. 1 *et seq.* The sanitary provisions in factories and workshops are regulated. St. 1887, c. 103.

Uniform and proper meal times must be allowed for children, young persons and women employed in certain factories and workshops. St. 1887, cc. 215, 330.

The words used in statutes relating to the employment of labor are defined. St. 1887, c. 103.

SECT. 12. Whoever, after notice, hires, entices or induces any child unlawfully to absent himself from school, or hires, employs or harbors such absentee or truant, is punished. St. 1885, c. 71.

SECT. 14. Three or more cities or towns in each of two, three or four contiguous counties may require the establishment of a union truant school, and the clause with reference to Norfolk, Bristol, Barnstable and Plymouth counties is repealed. St. 1884, c. 155.

SECT. 18. Poor children in need of immediate relief are to be provided for by the board of lunacy and charity, and courts may commit children who are growing up without education or salutary control, or who are dependent on public charity, to such board, if they have no settlement, or to the overseers of the poor if they have a settlement. St. 1882, c. 181.

A complaint, summons to the parents or guardian of the child, a hearing and appeal, and the custody of the child pending the proceedings, are provided for. St. 1886, c. 330.

If any parent abandons a child under two years old, or neglects to support it, or having contracted for its maintenance fails to perform such contract, he is punished. Any person knowingly and with wrongful intent aiding such abandonment, is also punished. Every person receiving a child under one year old, knowing or having cause to believe it to be illegitimate, must at once notify the overseers of the poor. The parents must answer all questions as to its residence, parentage and place of settlement, and must, when called upon, give security for its maintenance. St. 1882, c. 270.

Unreasonable neglect to provide for the support of a wife or minor child is punished, and the fine may be paid to the corporation or person actually then supporting them. Sts. 1882, c. 270, § 4; 1884, c. 210; 1885, c. 176.

SECTS. 18, 19. Only persons appointed by the towns and the officers and agents of the society for the prevention of cruelty to children shall carry into effect the judgments under these sections. St. 1883, c. 245.

CHAPTER 49.

OF THE LAYING OUT AND DISCONTINUANCE OF WAYS, AND OF DAMAGES OCCASIONED BY THE TAKING OF LAND FOR PUBLIC USE.

Land may be taken for parks. St. 1882, c. 151.

For the cultivation of trees. St. 1882, c. 255.

The improvement of public grounds or open spaces in streets designated as not needed for public travel, may be given to corporations organized for

the purpose who shall then have charge thereof, subject to the direction of the selectmen or road commissioners. Any wilful injury is punished by a fine which goes to the corporation. St. 1885, c. 157.

Public landing places already existing may be laid out and defined. St. 1882, c. 109.

SECT. 18. A provision is inserted providing for the payment by the trustee of any rent or charge to the reversioner or remainderman and the language is changed in other respects. St. 1883, c. 253.

SECT. 47. The pay of the officer who attends the sheriff's jury is raised from one dollar and one-half to four dollars per day. St. 1882, c. 96.

SECT. 105. Damages for land taken by any town in the counties of Nantucket or Dukes County, or by either of those counties, may be assessed by a jury in the superior court in Bristol county. St. 1887, c. 50.

CHAPTER 50.

OF SEWERS, DRAINS AND SIDEWALKS.

SECT. 5. Land sold for sewer assessments may be redeemed as if sold for taxes. St. 1883, c. 145.

The lien shall continue for two years instead of one year. St. 1886, c. 210.

CHAPTER 51.

OF BETTERMENTS AND OTHER ASSESSMENTS ON ACCOUNT OF THE COST OF PUBLIC IMPROVEMENTS.

The betterment act is extended to alterations of ways at railroad crossings. St. 1884, c. 280.

The authorities may agree to assume betterments for streets or parks, if the land-owner will release damages. St. 1884, c. 226.

Betterments bear interest after thirty days, and the lien continues for one year after the determination of any suit to test their validity. St. 1884, c. 237.

Notice of an assessment of betterments must be given within three months to persons affected. St. 1885, c. 299.

The county commissioners, in laying out, altering, grading or discontinuing highways, may declare the same to be done under the betterment acts, so far as it is done within a city or town which has accepted those acts. If they have ordered damages for any land or buildings to be paid from the county treasury, the sum shall be included and reimbursed to the county ratably from the betterments collected. St. 1887, c. 124.

CHAPTER 52.

OF THE REPAIR OF WAYS AND BRIDGES.

SECT. 10. The trimming and removal of trees in ways is regulated. St. 1885, c. 123, § 2.

SECT. 19. The notice of injury shall not be invalid for any unintentional inaccuracy, if the party entitled to notice was not misled. St. 1882, c. 36.

CHAPTER 53.

OF THE REGULATIONS AND BY-LAWS RESPECTING WAYS AND BRIDGES.

Canals and waterways adjudged to be dangerous to public travel must be fenced. St. 1887, c. 393.

SECT. 1. Guide posts are required at forks or intersections of such highways and other ways as lead to adjoining towns or cities. St. 1887, c. 162.

SECT. 18. The county commissioners may regulate travel over bridges to whose construction or maintenance the county contributes. St. 1882, c. 108.

CHAPTER 54.

OF THE BOUNDARIES OF HIGHWAYS AND OTHER PUBLIC PLACES, AND ENCROACHMENTS THEREON.

No barbed wire fence may be built against a sidewalk St. 1884, c. 272.

SECTS. 6, 9. The town or city may itself plant such trees. St. 1885, c. 123, § 1.

SECTS. 6, 9, 12. The requirement of acceptance is repealed. St. 1885, c. 123, § 3.

CHAPTER 56.

OF THE INSPECTION AND SALE OF BUTTER, CHEESE, LARD, FISH, HOPS, LEATHER AND POT AND PEARL ASHES.

SECT. 17. In the mark or label, "imitation butter" is substituted for "adulterated butter." St. 1884, c. 310, § 1.

SECTS. 17, 18, 19. The type of the brand required is changed from Roman to Gothic, and other names are allowed. St. 1885, c. 352, §§ 1, 2.

The sale of imitations of butter is further regulated. St. 1886, c. 317.

SECT. 19. The use of false labels, stamps or marks is punished. St. 1885, c. 352, § 3.

SECT. 20. Inspectors may enter places where butter or cheese is stored or kept for sale, and interference with their duties is punished. St. 1884, c. 310, § 2.

Inspectors appointed under St. 1882, c. 263, are given authority under this section St. 1885, c. 352, § 5.

SECTS. 3-21. The sale of adulterated lard is forbidden unless it is branded as compound lard. St. 1887, c. 149.

CHAPTER 57.

OF THE INSPECTION AND SALE OF MILK.

Municipal, district, police courts and trial justices are given concurrent jurisdiction with the superior court of offences under this chapter. St. 1885, c. 149.

The milk act is not repealed or amended by subsequent legislation as to adulterations. St. 1884, c. 289, § 4.

SECT. 2 is revised. Milk for analysis is to be delivered to the inspector

on his written request, instead of his taking it. The clause making the certificate of analysis evidence is omitted. A part of the sample analyzed is to be kept for the defendant. St. 1884, c. 310, §§ 3, 4.

This section is again revised. The assistants as well as the inspectors may enter and take samples. St. 1885, c. 352, § 4.

Inspectors appointed under St. 1882, c. 263, are given authority under this section. St. 1885, c. 352, § 5.

The inspectors may appoint collectors with power to take samples. They may take samples in all cases instead of only when they have reason to believe the milk adulterated. They must on request give a portion of the sample to the person from whom it is taken. The provision that the certificate of analysis shall be evidence is stricken out. St. 1886, c. 318, § 1.

A refusal or neglect to deliver a portion of the sample makes any analysis or test incompetent. St. 1886, c. 318, § 3.

Whoever makes, uses or has a counterfeit of the inspector's seal, or tampers with samples, is punished. St. 1886, c. 318, § 4.

SECT. 5. Milk not of good standard quality is added to the kinds which may not be sold. St. 1886, c. 318, § 2.

SECT. 7. The mark must be in uncondensed Gothic letters. St. 1885, c. 352, § 7.

Such skimmed milk must have at least nine and three-tenths per cent. of milk solids exclusive of fat. St. 1885, c. 352, § 8.

SECT. 8. It is made an offence to obstruct an inspector. St. 1884, c. 310, § 5.

SECT. 9. The milk must also contain not less than nine and three-tenths per cent. of milk solids exclusive of fat. St. 1885, c. 352, § 6.

Milk of good standard quality is defined, and the necessary percentages of solid matter fixed. St. 1886, c. 318, § 2.

SECT. 12, regulating the number of quarts that a milk can shall hold, is repealed. St. 1885, c. 145.

The wilful defacing and misuse of milk cans is punished. St. 1885, c. 133.

CHAPTER 58.

OF THE INSPECTION AND SALE OF PROVISIONS AND ANIMALS INTENDED FOR SLAUGHTER

The sale of dressed poultry is regulated. St. 1887, c. 94.

The adulteration of any drug or article of food is punished. Adulteration is defined. St. 1882, c. 263.

“ Food ” and “ drug ” are defined. St. 1886, c. 171.

The annual expenditure for the enforcement of the adulteration act may be ten thousand dollars. An annual report by the state board is required. St. 1884, c. 289, §§ 1, 2.

The adulteration act does not apply to mixtures recognized as ordinary articles of food, nor to drugs where the standard has been raised, nor to cases where an inferior article is ordered or the difference is known to the purchaser. St. 1884, c. 289, §§ 5, 7.

A portion of the sample must be furnished to the defendant. St. 1884, c. 289, § 8.

CHAPTER 59.

OF THE INSPECTION AND SALE OF CERTAIN OILS.

The preparation, storage and sale of unsafe oils intended to be used for fuel is forbidden, the person guilty is punished and also made liable for all damages, and the oil is forfeited. A standard test for such oils is established. St. 1885, c. 98.

SECT. 7. A new section is substituted which forbids the selling or keeping for sale of kerosene or petroleum unless inspected by an authorized inspector. St. 1885, c. 122, § 2.

CHAPTER 60.

OF THE INSPECTION AND SALE OF VARIOUS ARTICLES.

SECT. 17, which provides the mode of issuing licenses to sell commercial fertilizers, is repealed. St. 1883, c. 29.

SECT. 20. A crate of cranberries containing thirty-two quarts, level measure, is made a legal measure, and all barrels or crates must be branded or marked "Massachusetts standard measure." Whoever so brands or marks any barrel or crate of less capacity is punished. St. 1884, c. 161.

SECTS. 69-71. The adulteration of vinegar is forbidden, and the standard of purity fixed. The act is to be enforced by the inspectors of milk. St. 1884, c. 307.

Artificial coloring matter is to be deemed an adulteration, and the per cent. of acetic acid is reduced from five to four and one-half per cent., and that of cider vinegar solids is increased from one and one-half to two per cent. St. 1885, c. 150.

SECT. 69. Vinegar not made exclusively of apple cider, or into which foreign substances have been introduced, may not be sold, held with intent to sell or exposed for sale as cider vinegar. Sts. 1883, c. 257, § 1; 1884, c. 307, § 1.

SECT. 71. Compensation may be provided for the inspector of vinegar, or he may recover a reasonable compensation for his services. St. 1883, c. 257, § 2.

Cities or towns may pay inspectors of vinegar appointed under St. 1880, c. 113. St. 1884, c. 163.

SECT. 82. Coal in amounts less than five hundred pounds must be sold in measures of the dimensions prescribed, and any person who uses, or has with the intention to use, any other measure, is punished. St. 1883, c. 218.

The baskets and measures provided by St. 1883, c. 218, must be stamped with their capacity by the sealer of weights and measures, and the coal must be delivered in them. St. 1884, c. 70.

CHAPTER 61.

OF THE INSPECTION OF GAS AND GAS METERS.

In the construction of this chapter gas company includes any person owning or operating works for the manufacture or sale of gas for heating or illuminating purposes. St. 1886, c. 346, § 7.

A board of gas commissioners is established to whom the gas companies are to report and who have power to hear complaints and make orders with regard to the quality and price of gas. St. 1885, c. 314.

The board of gas commissioners is constituted a board of gas and electric light commissioners, and the laws as to gas are extended to electric light companies. St. 1887, c. 382.

The place where the books of gas companies shall be kept and their form is regulated. They may be compelled to furnish gas. St. 1886, c. 346, §§ 1, 2, 5.

SECTS. 11, 12. The meter must be easily read and not confuse or deceive the consumer, and no rent for it can be charged where the consumer uses gas to the value of seven dollars in any one year. St. 1886, c. 346, § 6.

SECTS. 13, 14. Gas for purposes other than lighting need not be inspected under these sections. St. 1885, c. 240.

SECT. 11. An inspection is to be made for every six million feet of gas instead of every four million. St. 1886, c. 250.

CHAPTER 65.

OF WEIGHTS AND MEASURES.

SECT. 8. Sealers of weights and measures are to be appointed in cities by the mayor and aldermen, and not by the city council. St. 1882, c. 42.

SECT. 21. Unlawful weights and measures may be seized. Possession is made *prima facie* evidence of unlawful intent, and the person having them is punished. St. 1883, c. 225.

CHAPTER 67.

OF AUCTIONEERS.

SECT. 1. Auctioneers must have resided in the city or town for six months before their appointment. St. 1886, c. 289.

SECT. 5. The clause forbidding an auctioneer to sell his own goods before sunrise or after sunset is struck out. St. 1886, c. 289.

CHAPTER 67a.

OF THE REGULATION OF PHARMACY.

A board of registration in pharmacy is established. Every person engaged in the business of retailing or dispensing drugs, medicines, chemicals or poisons, or compounding them for sale, must be registered. The business is regulated. St. 1885, c. 313.

The clause allowing retail dealers in drugs and medicines who were in business at the passage of the law to register is repealed. St. 1887, c. 267.

CHAPTER 67b.

OF THE REGULATION OF THE PRACTICE OF DENTISTRY.

A board of registration in dentistry is established, and the practice of dentistry is regulated. St. 1887, c. 137.

CHAPTER 68.

OF HAWKERS AND PEDDLERS.

Any person who employs a child under fifteen in peddling without a license or in begging, or permits him to do so, is punished. St. 1887, c. 422.

SECT. 2. Cities and towns may regulate the sale of any articles permitted to be sold by section 1 by any hawker or peddler, and their authority is not, as now, limited to the regulation of sales by minors. They may impose penalties, but no new fees can be imposed. St. 1883, c. 168.

SECT. 9. The secretary of the Commonwealth may grant licenses to persons recommended by the towns or cities, as stated in section 4, who are over seventy years of age, without any fee. St. 1883, c. 118.

CHAPTER 69.

OF SHIPPING AND SEAMEN, HARBORS AND HARBOR-MASTERS.

SECT. 1-13. Transportation for destitute seamen may be furnished at the expense of the state. St. 1886, c. 179.

SECT. 23. The throwing into or depositing in harbors of any injurious materials is forbidden. The harbor commissioners may forbid injurious changes on the shores. St. 1884, c. 269.

SECT. 25. Assistant harbor-masters may be appointed as well as harbor-masters, and shall be subject to their control. St. 1882, c. 216.

SECTS. 26, 29, 33. The harbor-masters may require vessels to change their place of anchorage. Masters of tug-boats and pilots must cause vessels in their charge to anchor under his direction. He may recover the expense of moving them, if not anchored as he requires. St. 1884, c. 173.

SECT. 33. The penalty is made to cover any violation of sections 23 to 32. St. 1884, c. 173.

CHAPTER 70.

OF PILOTS AND PILOTAGE.

Pilots may be appointed, in addition to those now allowed by law, except for the port of Boston. Where the recommendation of a society is now required, they shall not be appointed without a certificate from the society, unless it neglects for three months to pass upon their qualifications. St. 1882, c. 174.

A pilot may be appointed for the harbor of Cohasset. The rates are the same as for the harbor of Boston. St. 1887, c. 298.

If a vessel entering Boston harbor passes a line fixed, she is not liable to pilotage. St. 1884, c. 252, § 1.

Exempt vessels may require a pilot and then shall pay him. St. 1884, c. 252, § 5.

The rates of pilotage for the ports of Salem and Beverly shall be the same as for the port of Boston. St. 1887, c. 204.

SECT. 27. Whaling vessels outward-bound from New Bedford are exempt from the pilotage law. St. 1884, c. 213.

SECT. 30. The limit of half fees in Boston harbor is increased from two hundred to three hundred and fifty tons, and such vessels are not held for fees out unless they take a pilot. St. 1884, c. 252, §§ 2, 3.

SECT. 32. In the list of vessels exempt from compulsory pilotage are omitted "all single-decked coasting vessels of not more than three hundred and fifty tons." St. 1884, c. 252, § 4.

SECT. 39. Persons other than pilots may not assume or continue to act as such when pilots can be got. St. 1884, c. 252, § 6.

CHAPTER 72.

OF PUBLIC WAREHOUSES.

Provision is made for the sale of goods held by public warehousemen for overdue charges and the disposition of the proceeds is determined. St. 1887, c. 277.

SECT. 2. The amount of the bond and its sureties are to be approved by the governor. St. 1885, c. 167.

SECT. 5. Any person requesting it may have a non-negotiable receipt which can only be assigned on the books of the warehouseman. St. 1886, c. 258.

CHAPTER 74.

OF THE EMPLOYMENT OF LABOR.

A state board of arbitration for the settlement of disputes and differences between employers and their employees is created. St. 1886, c. 263; 1887, c. 269.

The words used in the statutes relating to labor are defined. St. 1887, c. 103.

Fines for imperfect weaving are regulated. St. 1887, c. 361.

The proper ventilation of factories and workshops is required. St. 1887, c. 173.

The sanitary provisions in factories and workshops are regulated. St. 1887, c. 103.

It is required that uniform and proper meal times shall be allowed to children, young persons and women employed in certain factories and workshops. St. 1887, cc. 215, 330.

Employers must furnish seats for females employed. St. 1882, c. 150.

Manufacturers may sound bells, gongs and whistles as signals to their workmen, of such size and at such hours as the town or city authorities may in writing permit. St. 1883, c. 84.

Corporations must pay weekly all wages earned up to six days before such payment. St. 1886, c. 87.

The weekly payment law is modified in its application to municipal corporations, counties, co-operative associations or corporations and railroads. Complaints may be made by the chief of the district police or any state inspector of factories and the defences to such complaint are limited.

Assignments to the corporation or any person for it or made to relieve it from the obligation to pay wages weekly are void. St. 1887, c. 399.

All manufacturers must give the chief of the district police written notice of any accident by which an employee loses his life or is kept from work for over four days. The chief of the district police keeps a record of such accidents and includes an abstract in his annual report. St. 1886, c. 260.

It is forbidden to employ children in cleaning dangerous machinery. St. 1887, c. 121.

The liability of employers to make compensation for personal injuries suffered by employees in their service is extended and regulated. St. 1887, c. 270.

SECT. 4. The ten-hour law is made to apply to manufacturing and mercantile establishments. St. 1883, c. 157.

This section as amended in 1883 shall not apply to mercantile establishments. St. 1884, c. 275, § 4.

The employments of minors under eighteen years of age, for more than sixty hours a week, in mercantile establishments, is forbidden. A certificate of age, sworn to by the minor and his parent or guardian, is made *prima facie* evidence. Printed notices must be posted giving the hours of labor. St. 1884, c. 275, §§ 1, 2, 3.

This section is amended and revised. St. 1887, c. 280.

The notice shall state the time of commencing and stopping work and the time allowed for starting and stopping machinery and for dinner. The form is furnished by the chief of the district police and approved by the attorney-general. St. 1886, c. 90.

CHAPTER 75.

OF LIMITED PARTNERSHIPS.

SECT. 3. The name of a former firm may be used with the consent of its members. St. 1887, c. 248, § 1.

SECT. 7. In case of a renewal the special capital must equal that originally put in and the certificate must so state. St. 1887, c. 248, § 3.

SECT. 8. A special partner may draw interest at any rate agreed on, not exceeding six per cent., out of the profits. St. 1887, c. 248, § 2.

SECT. 12. The clause making the special partner liable in cases not provided for in this chapter is repealed. St. 1887, c. 248, § 4.

CHAPTER 77.

OF MONEY, BILLS OF EXCHANGE, PROMISSORY NOTES AND CHECKS.

Checks or demand drafts may be paid within ten days after their date, although the drawer in the meantime dies. St. 1885, c. 210, § 1.

SECT. 1. The par of exchange established by the United States Rev. St. § 3565, is adopted. St. 1882, c. 110.

SECT. 8. The day following Christmas is made a holiday when Christmas falls on Sunday. St. 1882, c. 49. And the first Monday of September, which is to be known as labor's holiday. St. 1887, c. 263.

CHAPTER 77a.

OF THE ENCOURAGEMENT OF AGRICULTURE.

A bounty of one dollar a ton is given for sugar made from beets or sorghum, under the regulation stated. St. 1883, c. 189.

The obtaining by false pretences of certificates of registration of cattle, or transfers of such registration, and the giving of false pedigrees of cattle and other animals, is punished. St. 1887, c. 143.

CHAPTER 79.

OF THE STATE BOARD OF HEALTH, LUNACY AND CHARITY.

The duties of the state board of health, lunacy and charity are divided between a state board of health and a state board of lunacy and charity. St. 1886, c. 101.

The governor may detail an officer of the district police to assist them in cases of deserted and unprotected children and of bastardy. St. 1885, c. 158.

SECT. 9. The classes of inmates who may be removed are specified. St. 1887, c. 367.

CHAPTER 80.

OF THE PRESERVATION OF THE PUBLIC HEALTH.

SECT. 3. Vacancies in boards of health in towns, where no provision is made by special statute, shall be filled by the selectmen and board of health acting jointly. St. 1885, c. 307.

SECT. 28. Boards of health cannot abate such nuisances without a previous appropriation by the city or town, if the expense will exceed two thousand dollars. St. 1887, c. 338, § 1.

SECTS. 28, 30. Any person entitled to notice may appeal to the superior court, and pending the appeal all proceedings by the board are stayed. St. 1887, c. 338, § 2.

SECT. 32. Persons aggrieved by such assessments are given a right to a trial by jury. St. 1887, c. 338, § 3.

SECT. 60. Persons boarding an illegitimate child under one year old must give notice to the overseers of the poor. The parent or parents must, when required, give satisfactory security for the maintenance of such child, and make true answers to all questions as to its residence, parentage and place of settlement. St. 1882, c. 270, § 3.

SECT. 79. The local board of health must, within twenty-four hours, notify the state board of cases of small-pox, or it forfeits the claim of the town to reimbursement. St. 1883, c. 138.

SECTS. 78, 79. Householders and physicians must also report cases of diphtheria and scarlet fever, and records of such reports shall be kept on blanks furnished by the State. Rooms and articles are to be disinfected to the approval of the board of health. St. 1884, c. 98.

SECT. 88. The appellant from an order as to offensive trades must apply for a jury to the court in the county where the premises are; not, as now, where the order is made. St. 1883, c. 133.

SECT. 96. Bathing in ponds used for the domestic water supply of cities or towns is forbidden. St. 1884, c. 172.

The supreme judicial or superior court may, upon the application of a city or town, enjoin violations of this section. St. 1884, c. 154, § 1.

SECTS. 98, 99, 100, giving the state board supervision of sources of water supply, and power to make orders concerning them, are repealed. St. 1884, c. 154, § 2.

The state board of health are given the general oversight of all inland waters with reference to their purity and pollution. All cities, towns and others must give them notice of their plans in relation to water supply and disposal of drainage. They may make examinations, experiments and plans, and shall report to the general court and recommend legislation. St. 1886, c. 274.

The state board of health may, on complaint after hearing, forbid the sale of impure ice. St. 1886, c. 287.

CHAPTER 82.

OF CEMETERIES AND BURIALS.

Corporations for the cremation of the dead are authorized and cremation is regulated. St. 1885, c. 265

SECT. 3. The present section is repealed and a new section is enacted which more fully defines the rights of the widow and children to the possession, care and control of the burial lot. St. 1885, c. 302.

SECT. 6. Conveyances of burial lots recorded by the corporation owning the cemetery, require no other record. St. 1883, c. 142.

SECT. 17. Towns and cities may receive funds for the care and improvement of public or private burial places, and of lots therein. St. 1884, c. 186.

SECT. 19. Boards of health may close any tomb, burial ground, cemetery or other place of burial. St. 1885, c. 278.

SECT. 24. On appeal from such order closing a burial place, the jury must find, in addition to the finding now required, that the closing thereof was not necessary for the protection of the public health. St. 1885, c. 278, § 2.

SECTS. 25-28. These sections, providing for the closing of tombs in cities by the city council, are repealed. St. 1885, c. 278, § 3.

CHAPTER 84.

OF THE SUPPORT OF PAUPERS BY CITIES AND TOWNS.

SECT. 2. No insane person, where the insanity has continued less than six months, can be detained in an almshouse or elsewhere by the overseers of the poor without remedial treatment. St. 1886, c. 319, § 3.

SECT. 3. If the overseers of the poor in any city, except Boston, fail to place any pauper child in a family for two months, the state board of lunacy and charity may do it. St. 1887, c. 401.

SECT. 6. Not only the kindred of the pauper but the pauper himself is liable for expenses incurred for him. St. 1882, c. 113.

SECT. 17. The overseers also bury unclaimed or unidentified bodies upon which inquests have been held. St. 1887, c. 310.

SECT. 21. Destitute and deserted children may be placed in St. Mary's Infant Asylum, as well as in the Massachusetts Infant Asylum. St. 1883, c. 232.

CHAPTER 85.

OF THE MAINTENANCE OF BASTARD CHILDREN.

SECT. 1. The complaint may be made to and the warrant be issued by the clerk of the courts named, as well as by the courts themselves. St. 1885, c. 289.

CHAPTER 86.

OF ALIEN PASSENGERS AND STATE PAUPERS.

SECT. 13. The present board is abolished and a new one for both the almshouse and workhouse is established and regulated. It may transfer inmates. St. 1884, c. 297.

SECTS. 16, 19. The same person may be superintendent and resident physician. St. 1883, c. 278.

SECT. 22. The removal of a sick pauper to the state almshouse is forbidden until the certificate of a physician is procured that he can be removed without injury or danger to his health. St. 1887, c. 440.

SECT. 25. The notice in case of persons too sick to be removed must be signed by the overseers of the poor, or some person appointed by them, and they must certify to the facts after personal examination. St. 1885, c. 211.

SECT. 26. The bills must be endorsed with a distinct declaration that the amount charged for has been paid from the town or city treasury. St. 1885, c. 211.

SECT. 28 is repealed, and provision is made that idiots may be sent to the School for the Feeble-Minded. The trustees there may receive them or send them home, or to the state almshouse, or to the place of their settlement. St. 1883, c. 239, §§ 5, 6, 7.

SECT. 31. The expense is to be paid only when written notice has been given to the state board within sixty days from the time when the aid was first given. St. 1885, c. 211.

SECT. 46. Children who are state paupers may be placed by the state board in private families until three years old instead of two. St. 1882, c. 181, § 1.

Section 46, as amended, applies to St. Mary's Infant Asylum, but indigent and neglected infants without settlement are to be committed to the state board of health, which board shall provide for them as they judge best for each child. St. 1883, c. 232, § 3.

The hospital cottages at Baldwinville are aided. Two trustees are to be appointed by the state. An annual report is to be made to the state board of lunacy and charity. That board may place there ten children. St. 1887, c. 441.

CHAPTER 87.

OF LUNACY AND INSTITUTIONS FOR LUNATICS.

Persons subject to dipsomania or habitual drunkenness, but not otherwise of bad character or repute, may be committed to the state lunatic hospitals until recovery, or until their confinement is no longer necessary for the safety of the public or their own welfare. St. 1885, c. 339.

SECT. 2. A new hospital is established at Westborough under homœopathic treatment. St. 1884, c. 322.

SECT. 4. The number of the trustees of the state lunatic hospitals is increased from five to seven, and five shall be men and two women. St. 1884, c. 149.

SECT. 7. An educated female physician is to be appointed for each state lunatic hospital. St. 1884, c. 116.

SECT. 9. The annual meeting of the trustees and the report to the governor and council are to be made after the first day of October and before the first day of November, instead of the fifteenth day of October. St. 1887, c. 170.

SECTS. 11 *et seq.* Commitments to the hospitals for the insane are hereafter to be from districts defined for each hospital, subject to modification by the state board of lunacy and charity. St. 1887, c. 346.

SECTS. 11, 12. Farther provisions are made for the commitment of insane, as to the form of the order of commitment and the custody of insane persons who are discharged uncured. St. 1886, c. 319.

SECTS. 24-46. Provision is made for asylums for the chronic insane in cities of over 50,000 inhabitants. They are subject to the control of the state board, who may send patients there from state asylums or remove them. St. 1884, c. 234.

SECT. 34. The support of insane persons sentenced to the state prison, or accused of felony and committed by order of court, is paid by the state. St. 1883, c. 148.

SECT. 37. The punishment of persons leaving the almshouse and begging is increased. St. 1884, c. 258, § 1.

Persons not sentenced inmates who abscond or escape and within one year are found soliciting public charity, are punished. Provision is made for complaints against them and as to what courts shall have jurisdiction. St. 1884, c. 258.

SECTS. 38-45. Insane persons of the chronic and quiet class may be placed at board in families. Those who are boarded at state expense must be visited at least once in three months, and those boarded at the expense of towns and cities at least once in six months. They may be removed to the hospitals, if not properly treated and cared for. St. 1885, c. 385.

SECT. 40. The trustees of the state hospitals and of the Massachusetts General Hospital may confer on their superintendents power to discharge patients after notice to the person who signed the petition for commitment. The superintendents may allow any inmate to be taken away by his friends for a period of not over sixty days. St. 1883, c. 78.

SECTS. 46 *et seq.* No person whose insanity has continued for less than twelve months can be detained in an almshouse or other place by the

overseers of the poor without remedial treatment, but must have the opportunity of treatment at a hospital or asylum. St. 1886, c. 319, § 3.

SECTS. 47, 48, 49. These sections are repealed and the county receptacle for the insane at Ipswich is discontinued. St. 1887, c. 209.

SECTS. 55 *et seq.* The name of the Massachusetts School for Idiotic and Feeble-Minded Youth is changed to the Massachusetts School for the Feeble-Minded. St. 1883, c. 239, § 1.

The mode of committing to the school is regulated. (See c. 86, § 28.) The powers of the trustees are increased and provision is made for the payments for the support of patients and for the recovery of the expense of such support in case of paupers. Scholars may be received from other states or provinces. The trustees may discharge patients or send them home or to the place of their settlement, or to the state almshouse, or allow them to be absent on visits of not over three months. St. 1883, c. 239.

Applicants for the admission of pupils or idiots to the School for the Feeble-Minded must give notice to the mayor or selectmen, and prove the giving of it to the judge. St. 1884, c. 88.

The Massachusetts School for the Feeble-Minded is regulated and the laws relating to it are revised. St. 1886, c. 298.

The amount allowed to the School for the Feeble-Minded is increased to \$25,000. St. 1887, c. 123.

CHAPTER 88.

OF THE STATE WORKHOUSE.

The name of the State Workhouse at Bridgewater is changed to the State Farm at Bridgewater. St. 1887, c. 264.

SECT. 1. The present board is abolished and a new board for both the almshouse and workhouse is established and regulated. It may transfer inmates. St. 1884, c. 297.

SECT. 6. The commissioners of prisons may remove prisoners from the Massachusetts Reformatory to the State Farm for the remainder of their sentences and the board of lunacy and charity have the same authority over such prisoners which the commissioners would have had. St. 1887, c. 292.

SECT. 8. Persons not sentenced who escape and are within one year found soliciting charity are punished. Special provision is made for their prosecution. St. 1884, c. 258.

CHAPTER 89.

OF THE STATE PRIMARY AND REFORM SCHOOLS AND THE VISITATION AND REFORMATION OF JUVENILE OFFENDERS.

SECT. 3. Provision is made for the care and maintenance of pauper children, between the ages of three and sixteen, at the state primary school, when they have no settlement. St. 1882, c. 181, § 2.

SECTS. 8 *et seq.* The state reform school is hereafter to be known as the Lyman School for Boys. St. 1884, c. 323, §§ 1, 2.

The trustees are authorized to purchase more land and erect buildings. St. 1885, c. 151.

SECT. 8. A temporary place of detention is provided for a part of the inmates of the Lyman School for Boys. St. 1885, c. 86.

SECT. 15. Girls committed by the United States courts are to be confined in the state industrial school for girls. St. 1887, c. 426.

SECT. 18. Before a warrant can issue for the arrest of any child under twelve, a summons to him must issue. If he fails to appear, then a warrant. St. 1882, c. 127.

SECTS. 18, 23, 24. No boy shall be committed to the Lyman School for Boys, if over fifteen. If error is made in his age, the sentence may be revised. St. 1884, c. 323, § 3.

SECT. 20. The last clauses of this section, providing for notice to the board of lunacy and charity, are so changed that notice is given only when the judge would send the child to a public institution or to the custody of that board, and notice to the mayor or selectmen is no longer required. St. 1883, c. 110.

SECT. 21. A child under twelve years of age must be committed, in default of bail, to the custody of the state board of lunacy and charity, except in cases of offences punishable by imprisonment for life or of truancy. St. 1882, c. 127.

SECT. 23. No boy over fifteen years of age can be sent to the reform school at Westborough. St. 1884, c. 255, § 11.

SECTS. 26-29. No child under twelve years of age can be punished by confinement in a jail, house of correction, the house of industry in Boston, or at the state workhouse, except for crimes punishable by imprisonment for life or for truancy. St. 1882, c. 127.

SECT. 51. Notice of commitments to the state industrial school or the Lyman School for Boys is to be given by the state board of lunacy and charity. The clause providing that sums paid under this section may be recovered from the person liable by law to maintain the person committed is omitted. St. 1887, c. 266.

CHAPTER 90.

OF CONTAGIOUS DISEASES AMONG CATTLE, HORSES AND OTHER DOMESTIC ANIMALS.

This chapter is revised. St. 1887, c. 252.

The governor is authorized to accept the rules prepared by the commissioner of agriculture for the suppression of pleuro-pneumonia and other contagious diseases, and to co-operate in their enforcement. St. 1887, c. 250.

SECT. 90. The cattle commissioners are to investigate the disease among cattle known as abortion. St. 1884, c. 232.

CHAPTER 91.

OF INLAND FISHERIES AND KELP.

The provision for leasing great ponds is repealed. St. 1885, c. 109.

A penalty is imposed on persons taking without the owner's consent, fish or lobsters caught in nets, etc., or wilfully interfering with such nets, etc. St. 1882, c. 53.

The catching of bluefish in Vineyard Sound is regulated. St. 1885, c. 193.

Fishing with seines or nets is regulated in the waters of Edgartown and Cottage City. St. 1886, c. 234.

Fishing near Brandt Island, in Mattapoisett (St. 1884, c. 214, § 2), and in Mashpee and Barnstable, is regulated. St. 1884, c. 264.

The use of nets near the shores of the town of Mattapoisett is regulated. St. 1887, c. 197.

Fisheries in the waters of the town of Westport are regulated. St. 1887, c. 193.

The fisheries in the tributaries of Plum Island Bay are protected. St. 1887, c. 105.

SECTS. 10-24. With certain exceptions nets may not be used in ponds. St. 1884, c. 318.

SECT. 16. District attorneys, on the application of the mayor or selectmen or of ten citizens, shall institute proceedings against lessees who fail to comply with the terms of their leases. St. 1886, c. 248.

SECT. 17. The commissioners cannot occupy ponds which have been forfeited by the lessees. St. 1886, c. 248.

SECTS. 32, 33. Taking alewives in the county of Dukes County is regulated, and a penalty is imposed, amending the statute next below. St. 1884, c. 245.

The lessees of Great Pond and Job's Neck Pond, in Edgartown, are allowed to take smelts and alewives at all seasons, but no other person may take any other fish but eels. St. 1882, c. 102.

SECT. 36 is changed to allow nets or seines to be used in the Merrimack River, below the Essex Merrimack Bridge, after June 20. St. 1882, c. 166.

The size of the mesh in the seine is limited. St. 1884, c. 317.

The commissioners may issue licenses to take the protected fish in the tidal waters of the Merrimack River and its tributaries, but shall charge no fee therefor. St. 1883, c. 121.

SECTS. 36-39. Shiners, for bait, may be caught with seines in the Merrimack River, in November and December, except near fishways, other fish being returned to the water. St. 1883, c. 31.

SECT. 41. The North River, in Plymouth county, is excepted from this section, and fishing there is regulated. St. 1884, c. 199.

SECTS. 51-53. The open time for trout, land-locked salmon and lake trout shall begin on the first day of September instead of on the first day of October. St. 1884, c. 171.

SECT. 79. Fisheries in Buzzard's Bay are regulated. St. 1886, c. 192.

SECTS. 81, 82, which regulate the catching of lobsters, are amended by reducing the time from "June 20 to September 20." to the month of July, and changing "lobster" to "female lobster bearing eggs." St. 1882, c. 98.

SECT. 84. The possession of a lobster under legal size, is punished, the words "with intent to sell" being stricken out. Mutilation affecting the length is *prima facie* evidence that the lobster is under the legal size. The commissioners of inland fisheries, with the assistance of the district police, have power to enforce the law. St. 1884, c. 212.

The fish commissioners, either personally or by deputy, and the district

police, detailed for that purpose, may search suspected places for, seize and remove lobsters taken, held or offered for sale illegally. St. 1885, c. 256.

The mode of measuring lobsters is changed. St. 1887, c. 314.

SECTS. 81, 82, 84. One half of the fine is paid to the complainant and one half to the county. St. 1887, c. 314.

SECTS. 97-107. Oyster licenses may be granted for any waters where there are no natural oyster beds. St. 1884, c. 284.

SECTS. 97-101. The granting of licenses to plant, grow and dig oysters is regulated, and their revocation is provided for. St. 1885, c. 220, §§ 1, 2.

Interference with licensed oyster beds is punished. St. 1885, c. 220, § 5.

SECT. 97. Oyster licenses are limited to ten years instead of twenty. St. 1884, c. 284.

Licenses can be held only by inhabitants of the town and are only assignable with the consent of the authorities. St. 1886, c. 299, § 1.

SECT. 100. The hours are extended to an hour after sunset and before sunrise. St. 1886, c. 299, § 2.

SECTS. 97 *et seq.* The forfeiture under section 100 is extended to all violations of the law. St. 1886, c. 299, § 3.

Oyster fisheries in Westport rivers are regulated. St. 1887, c. 119.

SECT. 102. The taking of scallops is regulated, St. 1887, c. 96.

Constables may be designated to enforce the laws relating to shell fisheries, with authority to arrest without warrant, and seize vessels and implements, which shall be forfeited. St. 1885, c. 220, § 6.

CHAPTER 92.

OF THE PRESERVATION OF CERTAIN BIRDS AND OTHER ANIMALS

The owner of land may post notices forbidding shooting and trapping, and it shall then be unlawful to enter it for those purposes. Game artificially propagated on land where shooting or trapping is forbidden belongs to the land-owner. St. 1884, c. 308, § 2.

SECT. 6. English sparrows are no longer protected. The mayor or selectmen may give certificates allowing the killing of birds for scientific purposes. St. 1883, c. 36.

SECT. 7. The trapping or snaring of ruffed grouse, hares or rabbits is regulated. St. 1887, c. 300.

SECT. 8. The time during which deer may be taken is changed from the month of November to four days in each week in November, and the penalty is modified. St. 1882, c. 199, § 1.

The killing of deer, except tame deer on the owner's grounds, is forbidden in Plymouth and Barnstable counties. St. 1883, c. 169.

SECT. 10 is amended, so that the possession of a deer, except in November, is *prima facie* evidence of a violation of the law. St. 1882, c. 169, § 2.

Shooting wild fowl from boats in the waters in and around Nantucket is forbidden. St. 1886, c. 216.

CHAP. 92 is repealed and a substitute is passed. St. 1886, c. 276.

CHAPTER 94.

OF TIMBER AFLOAT OR CAST ON SHORE.

The Connecticut River Lumber Company is authorized to construct a boom in the river. St. 1882, c. 274.

SECT. 5, which forbids the driving of logs, except in rafts, in the Connecticut River, is limited to the river below the entrance of the Chicopee River; but the Connecticut River Lumber Company must pay damage to owners of ferries and pleasure boats above. St. 1882, c. 274.

St. 1882, c. 274, is repealed, and section 5 of this chapter is amended. St. 1883, c. 183.

The county commissioners of Franklin, Hampden and Hampshire, within their respective counties may regulate the floating of timber on the Connecticut River above the Chicopee River, and require persons doing it to protect dams, bridges and boats. St. 1883, c. 183.

CHAPTER 97.

OF WRECKS AND SHIPWRECKED GOODS.

Provision is made for the removal of wrecks and unauthorized structures in the navigable waters of the Commonwealth. St. 1883, c. 260.

This chapter is revised. St. 1887, c. 98.

CHAPTER 98.

OF THE OBSERVANCE OF THE LORD'S DAY.

The provisions relating to the observance of the Lord's day shall not be a defence to actions for torts or injuries suffered by a person on that day. St. 1884, c. 37.

SECT. 1. This section is limited to the evening of the Lord's day, and no longer forbids games and public diversions on Saturday night. St. 1887, c. 391, § 1.

SECT. 2. Bakers may sell food during certain hours on the Lord's day. St. 1886, c. 82.

Many descriptions of labor are excepted from the prohibition of this section. St. 1887, c. 391, § 2.

SECT. 15. The railroad commissioners may license other than through trains and also steamboat lines. St. 1887, c. 391, § 3.

CHAPTER 99.

OF GAMING.

Provision is made for the removal of certain obstructions in gambling resorts. St. 1887, c. 448.

SECT. 8 is revised and extended to persons present in any such place engaged in any such business or employment. St. 1885, c. 342.

SECT. 10. The penalty is extended to those present at a gambling house as well as to those playing. St. 1883, c. 120.

The provisions against common gaming houses are revised and extended. St. 1887, c. 448, § 2.

CHAPTER 100.
OF INTOXICATING LIQUORS.

No case for the violation of the liquor laws shall be disposed of except by trial and judgment unless the presiding judge on affidavits orders it. St. 1885, c. 359.

The mayor or selectmen may prohibit the sale of liquor in cases of riot or great public excitement. St. 1887, c. 365.

SECTS. 2, 3, 5, 8, 10. The sale of intoxicating liquor by retail druggists and apothecaries is regulated. St. 1887, c. 431.

SECT. 5. Licenses in the first three classes cannot be granted for the sale of liquors in any building or place within four hundred feet of a public school. St. 1882, c. 220.

Applications may be received, investigated and acted upon in March or April and granted in April. St. 1883, c. 93.

A recount of the ballots on the question of license may be had in cities under the provisions of St. 1885, c. 299, §§ 22-26. St. 1885, c. 262.

In Boston licenses are to be signed by the police commissioners. St. 1885, c. 83.

The material, size, style and form of the ballots is regulated. St. 1886, c. 49.

Self-registering and cancelling ballot boxes must be used in taking the vote on the question of granting liquor licenses. St. 1887, c. 443.

SECT. 6. The publication of the notice of application for licenses in Charlestown, East Boston, South Boston, Roxbury, West Roxbury, Dorchester and Brighton districts, must be in one weekly paper in the district as well as in the daily papers in Boston. St. 1882, c. 222.

Applications may be advertised in March or April. St. 1883, c. 93.

SECT. 7. The objection may be made by any person owning real estate within twenty feet of the premises. St. 1887, c. 323.

SECT. 9. Common victuallers must close between twelve and five in the morning. St. 1882, c. 242.

The sale of intoxicating liquor is forbidden after eleven o'clock instead of twelve. St. 1885, c. 90.

The fourth condition of the license is extended to forbid sales or deliveries to persons known to have been supported, in whole or in part, by public charity within twelve months before the date of the license. St. 1884, c. 158.

No common victualler or innkeeper having a license to sell intoxicating liquors may sell, give away or deliver such liquors on the day of any national, municipal or annual town election in his town or city. St. 1885, c. 216.

SECT. 12. To provisions forbidding any screen to prevent a view of the business, is added "or a view of the interior of said premises," and such screen or obstruction makes the license void. St. 1882, c. 259.

SECT. 13. Each surety offered on the bond given to obtain a license must make affidavit that he is worth \$2,000 above all liabilities, and shall designate property sufficient to meet the bond. This affidavit is filed with the bond. St. 1882, c. 259.

SECT. 16. A conviction for a violation of any of the provisions of this

chapter and the acts in amendment of it, of itself makes the license void. St. 1887, c. 392.

SECT. 18. Common victuallers who keep open during the forbidden hours come within the fines and forfeitures of this section. St. 1882, c. 242.

SECT. 25. This section, which forbids sales after notice, applies to sales by druggists and apothecaries except on prescriptions of physicians. The mayor of a city or any one of the selectmen of a town may give the notice, and then sue in his own name, but for the benefit of husband, wife, child, parent or guardian of the person. St. 1885, c. 282.

SECT. 26. Signs, placards and advertisements, except in drug stores, announcing the keeping of intoxicating liquor, and United States tax receipts as a dealer in liquors other than malt liquors, shall be *prima facie* evidence that such liquors are there kept for sale. St. 1887, c. 414.

SECT. 29. The assayer of liquors is required to analyze liquors sent to him by officers, and the forms of application and certificate are given. Tampering with the samples is punished. His certificate is evidence. The court may order analysis by other chemists. St. 1882, c. 221.

The salary of the inspector and assayer of liquors is to be paid monthly instead of quarterly. St. 1885, c. 224.

The salary of the inspector and assayer of liquors is raised from \$500 to \$1,200. Sts. 1886, c. 175; 1887, c. 232.

SECT. 30. A search warrant for liquor may be issued by a justice of the peace authorized to issue warrants in criminal cases. St. 1884, c. 191.

The warrant shall require all implements of sale and furniture used in the sale of such liquor to be seized. St. 1887, c. 406.

SECT. 33. The officer shall also seize all implements of sale and furniture used in the sale of such liquor. St. 1887, c. 406.

SECT. 38 is amended to provide for the mode of transportation of the liquor, a receipt for the same and the fees. St. 1887, c. 53.

SECT. 45. Clubs may be licensed to sell liquors. St. 1887, c. 206.

CHAPTER 101.

OF THE SUPPRESSION OF COMMON NUISANCES.

SECT. 6. Common nuisances under this section may be enjoined in equity on information by the district attorney, or on a petition by not less than ten legal voters. St. 1887, c. 380.

Placards, signs and advertisements and United States tax receipts are *prima facie* evidence. St. 1887, c. 414.

CHAPTER 102.

OF LICENSES AND MUNICIPAL REGULATIONS OF POLICE.

SECT. 12. The liability of innholders is still further limited. St. 1885, c. 358.

SECT. 13. Any person who fraudulently procures entertainment at a boarding house is punished. A copy of this section must be posted up. St. 1883, c. 187.

The maximum fine for fraudulently procuring entertainment at an inn is reduced from one hundred to fifty dollars. St. 1884, c. 169.

SECT. 33. Articles of personal apparel shall not be deemed to be of a perishable nature for purposes of sale by pawnbrokers. St. 1881, c. 324.

SECTS. 33-36. Persons engaged in the business of loaning money, or its equivalent, in sums of less than one hundred dollars, on household goods, wearing apparel or articles of personal use or ornament, or on pledges or mortgages of such property, it being delivered to them, are subject to these sections. St. 1885, c. 252.

SECT. 54. Cities and towns may regulate the sale or use of toy pistols, toy cannon, and all articles in which explosives are used. St. 1882, c. 272.

Fire-arms or dangerous weapons may not be sold or furnished to minors under fifteen years of age. St. 1884, c. 76.

SECT. 56. Any one storing, or keeping for sale, gunpowder over one pound in amount, must at once give notice to the chief engineer, or, in Boston, to the board of fire commissioners, of the amount and place in the building. St. 1882, c. 269.

SECT. 75. Towns and cities may regulate the inspection of kerosene and petroleum. St. 1885, c. 122, § 1.

SECT. 80. A dog which becomes three months old after the thirtieth day of April must be licensed. St. 1885, c. 292.

SECTS. 80, 81, 82, 87. Special licenses for the keeping of dogs for breeding purposes may be granted. St. 1887, c. 307.

The keeping of bloodhounds and other like dogs is forbidden. St. 1886, c. 340.

SECT. 84. The board of police for the city of Boston, and not the chief of police, shall issue dog licenses and receive the money therefor. St. 1887, c. 135.

The clerks must pay over the money received from dog licenses on the first days of June and December, instead of the first day of December. St. 1886, c. 259.

SECT. 86. In case of a transfer of a dog license, it must be recorded again if the dog is kept in the city or town thirty days. St. 1884, c. 185.

SECT. 98. The certificate as to damages is to be returned to the county treasurer instead of the county commissioners. The treasurer transmits it to the commissioners. They must act upon it within thirty days instead of during the month of December. The date of payment is changed from the first Wednesday of January to the first day of July. St. 1886, c. 259.

SECTS. 115-127. Provision is made for licensing skating rinks. Persons keeping unlicensed rinks are punished. Officers may enter such rinks to enforce the laws. St. 1885, c. 196.

Children under the age of thirteen years may not be admitted to any licensed show or place of amusement, unless accompanied by some person above the age of twenty-one years. St. 1887, c. 446.

SECTS 116, 117, 118, 119. Municipal, district and police courts are given concurrent jurisdiction with the superior court of offences under these sections which forbid unlicensed theatrical exhibitions and shows and masked balls. St. 1887, c. 293.

SECT. 124. The fee for licenses of pawnbrokers, etc., is made payable to the board issuing the license, instead of to the clerk, and the fees given are to be the minimum fees only. St. 1882, c. 258.

SECTS. 124, 126, 127. Groves used for picnics and other amusements must be licensed in towns or cities which accept this act. St. 1885, c. 309.

Hawking, peddling, vending provisions and refreshments, gaming, horse racing or the exhibition of plays or shows within one half mile of picnics and other lawful gatherings in licensed groves is forbidden. St. 1887, c. 445.

CHAPTER 103.

OF THE DISTRICT AND OTHER POLICE.

SECT. 1. The governor may appoint four more district police officers, but the whole number shall not exceed twenty. St. 1885, c. 131.

The appointment of two additional district police officers is authorized. St. 1887, c. 256.

District police need no longer be examined by a judge. St. 1884, c. 190.

St. 1881, c. 190, is repealed, and candidates for the district police need not be examined by, or under the direction of, a justice of the superior court. St. 1885, c. 186.

SECT. 5. The salary of members of the district police is raised from \$1,200 to \$1,500, and the chief shall receive a sum not exceeding \$2,000, instead of not exceeding \$1,700. St. 1887, c. 127.

SECT. 10. It is made the duty of the inspectors of buildings to enforce sections 16, 17, 18 of chapter 101 of the Public Statutes, as well as sections 13-15 and 19-22, except where there are special officers for the purpose. If they neglect their duty, they are to be discharged. These sections relate to fire escapes. St. 1882, c. 266, §§ 4, 5, 6.

SECT. 10. The duties of the inspectors are extended to include the enforcement of the laws regarding the employment of children, young persons and women in factories or workshops, and the ventilation and sanitary provisions in factories and workshops. St. 1887, c. 218.

SECT. 15. Railroad police shall be sworn and hold office until their appointment is revoked by the mayor and aldermen or selectmen. St. 1883, c. 65.

CHAPTER 104.

OF THE INSPECTION OF BUILDINGS.

No wooden flue for heating or ventilating shall be used in any building over two stories in height, and occupied wholly or in part as a church, school, hotel, theatre or other place of public assembly. St. 1885, c. 326.

SECTS. 13-24. The inspectors may require in a manufacturing establishment run by steam that communication shall be provided between each room and the engineer's room. St. 1886, c. 173.

SECT. 14, relating to hoistways, elevators, etc. in factories, is extended to mercantile and public buildings. Safety appliances to the elevators in event of accident to the hoisting machinery are also required. St. 1882, c. 208.

The inspectors of buildings may forbid the use of passenger or freight elevators which are unsafe, and may post a notice to that effect, which must not be removed. St. 1883, c. 173.

SECTS. 15, 16, 17, 18. Fire escapes are required in hotels, lodging houses or boarding houses above a fixed size, and such buildings must have watchmen, lights in the halls, gongs and notices describing the means of escape. Factories must also have fire escapes if more than forty persons are employed. The municipal authorities may require further precautions. St. 1883, c. 251.

Certain approved appliances are allowed in the place of one watchman. St. 1884, c. 223, § 1.

These sections apply to family hotels. St. 1884, c. 223, § 2.

SECTS. 23, 16, 17, 18. The authority of the inspectors to enforce sections 16, 17, 18 is limited. St. 1887, c. 219.

SECTS. 14-22. The authority of the inspectors to enforce §§ 14-22 does not extend to Boston. St. 1887, c. 276.

SECT. 15, regulating fire escapes, is made to apply to manufacturing establishments as well as to factories; and cities may make it apply to all buildings three stories or more in height. St. 1882, c. 266, § 1.

SECT. 19. No inside or outside door of any building where operatives are employed shall be fastened during working hours, and the inspectors of factories must enforce this law. St. 1884, c. 52.

SECT. 20. Every tenement or lodging house three or more stories in height must have a fire escape approved by the inspectors. St. 1882, c. 266, § 2.

SECT. 22. The penalty is changed from a forfeiture to a fine and made to cover sections 13 to 21 inclusive, instead of 13, 14, 15, 19, 20, 21. The person to whom notice of required changes must be given is defined. St. 1882, c. 266, § 3.

The inspectors of factories must call the attention of the board of health to any nuisances about factories and workshops, and the board of health must enforce the law against them. St. 1887, c. 103.

SECT. 23. The authority of inspectors under sections 13 to 21 does not extend to Boston or other cities where there are officers specially appointed. St. 1882, c. 266, § 4.

SECT. 24, which requires the discharge of officers not attending to their duties, is made to apply to sections 16, 17, 18. St. 1882, c. 266, § 5.

CHAPTER 105.

OF CERTAIN POWERS, DUTIES AND LIABILITIES OF CORPORATIONS.

Foreign corporations, except insurance companies doing business here, must appoint the commissioner agent to receive service in suits, and must make return of their charters and capital. St. 1881, c. 330.

SECT. 24. No record is necessary to the transfer of stock. St. 1881, c. 229.

SECT. 42. The clause limiting the time within which a receiver of a corporation may be appointed is stricken out. St. 1884, c. 203.

CHAPTER 106.

OF MANUFACTURING AND OTHER CORPORATIONS.

Corporations created under this chapter may issue special stock to be held by their employees only. St. 1886, c. 209.

SECTS. 3, 4, 51. Any corporation governed by these sections may alter its business under section 51. St. 1885, c. 310.

SECT. 10. Ten or more persons may form a corporation to examine and guarantee the titles of real estate. Regulations for the business are established. St. 1884, c. 180.

The formation of corporations for the purpose of cremating the bodies of the dead is authorized and such cremation is regulated. St. 1885, c. 265.

SECTS. 11, 52, 75. These sections are extended to corporations for the making, selling and distributing gas for heating, cooking, chemical and mechanical purposes. The gas need not be inspected under chapter 61, §§ 13, 14. It must not be used for domestic purposes unless connected with a chimney or flue. St. 1885, c. 240.

SECTS. 51, 52. Gas companies may be authorized to furnish electric light. St. 1887, c. 385.

SECTS. 54, 55, 59, 81, 82, 84. Every corporation chartered since February 23, 1880, or organized under the general laws for the purpose of business or profit, having a capital stock divided into shares, except banks, co-operative banks, savings banks and institutions for savings, insurance companies, safe deposit and trust companies and the collateral loan company, shall be subject to these sections and make the certificates and returns required by them. St. 1887, c. 225.

SECT. 75. Where a gas company exists in active operation, no other company or person shall dig up and open the streets, lanes and highways, for the purpose of laying gas pipes therein without the consent of the mayor and aldermen or selectmen after a public hearing. An appeal lies to the gas commissioners. St. 1885, c. 314, §§ 10, 16.

SECTS. 75 *et seq.* The issue of bonds is regulated. No gas company can transfer its franchise, lease its works or contract with others to carry on its business. St. 1886, c. 346, §§ 5, 6.

CHAPTER 109.

OF COMPANIES FOR THE TRANSMISSION OF INTELLIGENCE BY ELECTRICITY.

This chapter, except sections 16 and 18, shall also apply to lines for electric light. St. 1883, c. 221.

SECT. 4. Provision is made for damages to abutters on roads used for wires. St. 1884, c. 306.

SECT. 10. Telephone companies must furnish telephones, telephone service and connections to all individuals and corporations without discrimination. Courts of equity may enforce this statute. St. 1885, c. 267.

Telegraph companies are made responsible to the amount of one hundred dollars for all damages caused by their negligence in the transmission

of messages, but this does not apply to railroad telegraphs transacting a public business only as incidental to their own business. St. 1885, c. 380.

SECT. 15. Wires must not be put up without the landowner's consent. The name of the owner of the wire must be put on the posts, etc. St. 1884, c. 302.

CHAPTER 112.

OF RAILROAD CORPORATIONS AND RAILROADS.

SECT. 10. The salary of the clerk of the railroad commissioners is raised from \$2,000 to \$2,500. St. 1885, c. 119.

The salaries of the railroad commissioners and their clerk and accountant are to be paid monthly instead of quarterly. St. 1885, c. 224.

SECTS. 10, 11. The sum which may be allowed to the accountant is increased from \$2,000 to \$2,500. St. 1885, c. 164.

SECTS. 17, 127, 169. The commissioners are given power to regulate the occupation of street crossings, and to direct changes in tracks for that purpose, and the supreme court may enforce their orders. St. 1885, c. 110.

SECT. 34. An organization, under the general law, cannot be made unless the railroad commissioners grant a certificate that public necessity and convenience require the construction of the road. St. 1882, c. 265, § 1.

SECT. 38. No steam railroad can be located within three miles of the State House without the consent of the railroad commissioners and of the mayor and aldermen or selectmen of the city or town in which a location is sought. St. 1882, c. 265, § 4.

SECTS. 38 *et seq.* Railroad corporations may change their locations for the purpose of improving the alignment of their roads. St. 1887, c. 430.

SECT. 44. The proceedings are void unless the certificate of incorporation is issued within one year from the time when the route is fixed. St. 1882, c. 265, § 2.

SECTS. 58, 59, 60. Street railways using the cable system may increase their capital under these sections. St. 1886, c. 337, § 3.

SECT. 62. The stockholders may before May 13, 1883, ratify any notes or bonds not approved or certified as required in this section. St. 1883, c. 7.

The time within which railroad bonds must be payable is changed from twenty to fifty years. St. 1887, c. 191.

SECTS. 62-73. A purchaser under a valid foreclosure and his grantees and successors have the same powers and duties as the original corporation. St. 1886, c. 142.

SECT. 91. To the purposes for which land outside the location may be taken is added, the construction of one or more tracks. The assent of the city or town is required where public highways, buildings, parks or cemeteries are to be taken. St. 1884, c. 134.

SECT. 115. The power to exempt railroads from the duty to fence is transferred from the county commissioners to the railroad commissioners. Proceedings to revoke such exemptions are regulated. St. 1882, c. 162.

SECT. 127. The commissioners are given power to regulate the occupation of street crossings, and to direct changes in tracks for that purpose, and the supreme court may enforce their orders. St. 1885, c. 110.

SECTS. 129-134. The betterment act is extended to alterations of ways at railroad crossings. St. 1884, c. 280.

SECT. 129. An appeal from the decision of the county commissioners as to crossings of highways and railroads and as to private crossings may be taken by any person aggrieved by their decision or neglect to decide for sixty days. The proceedings are regulated. St. 1882, c. 135.

The county commissioners may, also, on the petition of twenty legal voters of the county, assume jurisdiction as to grade crossings of railroads and highways. Notice is provided for. The order cannot be made if the expense will exceed \$3,000. Their order may be annulled if the expense exceeds \$6,000. St. 1885, c. 194, § 1.

In Boston the railroad commissioners have jurisdiction under this section either on petition of the mayor and aldermen or of the directors of the company. St. 1885, c. 194, § 2.

No appeal shall hereafter be allowed from decisions or orders of the county commissioners under this section, except in proceedings pending. St. 1885, c. 194, § 6.

SECT. 130. This section is amended by adding "or otherwise," so that the latter part shall read, "and all damages occasioned by such taking or otherwise shall be assessed." St. 1885, c. 194, § 3.

SECT. 131. "Or" is changed to "and," and the commission may direct which party shall pay the expenses, and it may apportion them between the railroad and the town, city or county in which the crossing is, and other towns and cities within the county which are specially interested. St. 1885, c. 194, § 4.

Towns and cities specially benefited by the alteration of the crossing may be included in the apportionment, or such towns or the counties or either of them may be omitted if it seems just. St. 1887, c. 295.

SECT. 132. The hearing need not be in term time. St. 1885, c. 194, § 5.

SECT. 139. The clause forbidding branches within eight miles of the State House is stricken out. St. 1884, c. 279.

SECT. 159. Frogs, switches and guard rails must be blocked to the approval of the railroad commissioners. St. 1886, c. 120.

SECT. 160. Provision is made for the examination of railroad bridges. St. 1887, c. 334.

SECT. 161. Provision is made for interlocking or automatic signals at railroad crossings, and for the expense of their maintenance. St. 1885, c. 85.

SECT. 163. The commissioners may forbid or regulate locomotive whistles at highway crossings. St. 1885, c. 334.

SECT. 166. The railroad commissioners, as well as the town or city authorities, may require gates or flags at crossings. St. 1883, c. 117.

SECT. 169. The commissioners are given power to regulate the occupation of street crossings and to direct changes in tracks for that purpose, and the supreme court may enforce their orders. St. 1885, c. 110.

SECT. 170. Locomotive boilers must be tested. St. 1882, c. 73.

Safety couplers are required on freight cars. St. 1884, c. 222.

An examination and test of safety couplers for freight cars is to be made every two years. St. 1886, c. 242.

SECT. 171. In addition to the tools which each train must now carry, each car of every passenger train must have two sets of tools, safeguards against fire, and such other appliances as the railroad commissioners may require. St. 1882, c. 54.

SECT. 172. The heating of passenger cars on railroads is regulated. St. 1887, c. 362.

SECT. 179. The requirement of an examination for color blindness every two years is repealed. St. 1883, c. 125.

SECT. 180. Railroads may establish tolls and fares, but they are forbidden to give undue or unreasonable preferences. St. 1882, cc. 94, 225.

Only ten cents extra can be charged where fare is paid on the cars, and a check must be given redeemable in ten days. St. 1883, c. 32.

SECT. 202. The offence of interfering with electric signals is enlarged by omitting the word "electric." St. 1884, c. 5.

SECT. 205. The unlawful use, removal or tampering with the tools required to be carried on passenger trains, is punished. St. 1882, c. 54, § 2.

SECT. 212. If an employee, in the exercise of due care, is killed, under such circumstances that he could have maintained an action for damages if death had not resulted, the corporation shall be liable as if he had not been an employee. St. 1883, c. 243.

An action of tort instead of an indictment may be brought against street railway corporations for loss of life. St. 1886, c. 140.

CHAPTER 113.

OF STREET RAILWAY COMPANIES.

This chapter applies to roads using the cable system. St. 1886, c. 337, § 4.

SECT. 15. The provisions as to increase of capital stock are revised and made more specific. St. 1887, c. 366.

SECT. 39. They may be allowed to use the cable system. St. 1886, c. 337.

CHAPTER 115.

OF ASSOCIATIONS FOR CHARITABLE, EDUCATIONAL AND OTHER PURPOSES.

No association formed for medical purposes under this chapter can confer degrees, and officers attempting to do so, are punished. St. 1883, c. 268.

SECT. 2. Relief societies may be formed by the employees of railroads and steamboat companies. They are subject to the supervision of the railroad commissioners. St. 1882, c. 244.

Railroad corporations may join these relief societies. The funds of such societies are not attachable on trustee process or otherwise. St. 1886, c. 125.

Corporations organized under this chapter may provide for weekly or other payments to members in need, and establish rates. St. 1882, c. 195.

SECTS. 3, 4, 5. Corporations for life and casualty insurance on the assessment plan may be formed. St. 1885, c. 183, § 2.

SECT. 8. Such corporations may accumulate funds to assist the widows, orphans or other relatives of deceased members, or any person dependent on them. St. 1882, c. 195, § 2.

SECT. 11, which provides for the returns of benefit societies, is amended to cover societies making payments for disabilities, and to make the returns more definite. St. 1882, c. 195, § 3.

No such society can reinsure in or transfer its policies to any society not authorized to do business here. St. 1882, c. 195, § 4.

CHAPTER 116.

OF SAVINGS BANKS AND INSTITUTIONS FOR SAVING.

Receivers at the end of one year from their final settlement must deposit all books and papers with the commissioners. St. 1882, c. 77.

The books and papers of insolvent savings banks may be stored in the Commonwealth Building. St. 1884, c. 72.

SECT. 2. The salary of the commissioners of savings banks is raised from \$2,800 to \$3,000, and the first clerk is given \$1,500, and the second clerk \$900, instead of a general allowance of \$1,600 for clerk hire. Sts. 1882, c. 148; 1886, c. 252.

SECT. 14. Treasurers must give new bonds every five years. St. 1886, c. 93.

SECT. 16. Notice of special meetings must be given, both by publication and by mailing notices, instead of in either mode, as at present. St. 1884, c. 150.

SECT. 19. A savings bank may receive or pay deposits only at their banking-house, which must be where the bank is established. St. 1884, c. 253.

SECT. 20. The limit of authorized investments is extended. Sts. 1882, c. 231; 1883, c. 134; 1885, cc. 111, 124, 348; 1886, c. 176; 1887, cc. 113, 423.

“Net indebtedness” is to be computed, excluding water loans and crediting sinking funds. St. 1883, c. 127.

Only a sum equal to thirty-five per cent. of the deposits can be invested or held as collateral in stocks of banks, and if more is now held it must be reduced to that amount before July 1, 1885. St. 1883, c. 202.

SECT. 20, Cl. 3. Is revised and extended. St. 1887, c. 196.

SECT. 20, Cl. 4. The amount of the stock of any one bank which can be held as an investment or as collateral security is limited to three per cent. of the deposits. St. 1882, c. 224.

Savings banks may not deposit more than five per cent. of their total deposits in any one bank or trust company, nor exceeding twenty-five per cent. of the capital stock and surplus of such bank or trust company. St. 1886, c. 95.

SECT. 20, Cl. 6. The amount which savings banks may lend on personal security to any person, firm or corporation is limited. St. 1884, c. 168.

Such securities are to be paid within the year. St. 1886, c. 69.

SECT. 20, Cl. 8. The time for the sale of real estate now held by foreclosure is extended. Sts. 1882, c. 200; 1883, c. 52; 1886, c. 77.

SECTS. 13, 21, 22, 23. The names of the board of investment must be published twice each year. St. 1882, c. 50.

SECT. 29. Savings bank orders may be paid when presented within thirty days after their date, although the depositor has in the mean time died, and at any time after, provided the bank has not had actual notice of his death. St. 1885, c. 210, § 2.

SECTS. 40, 41. A return of all deposits unclaimed for twenty years is to be made to the commissioners and published. St. 1887, c. 319.

SECT. 44 is repealed and new provision is made for the payment of unclaimed dividends into the treasury. Claims for such dividends may be made within two years. St. 1883, c. 258.

The limitation of two years is repealed. Parties file their claim and evidence with the auditor. St. 1886, c. 300.

CHAPTER 117.

OF CO-OPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Shares may be issued in the name of a minor, or a trustee, the name and residence of the beneficiary being disclosed. St. 1887, c. 216, § 3.

SECT. 3. The words "co-operative savings fund and loan association" are changed to "co-operative bank" in the statute and in the names of all associations existing or future. St. 1883, c. 98.

SECT. 5. Co-operative banks must provide a guaranty fund. St. 1885, c. 111, § 2.

The limit of capital refers to the capital paid in on shares. St. 1887, c. 216, § 1.

SECT. 6. The offices of secretary and treasurer of a co-operative bank may be held by one person. St. 1885, c. 121, § 1.

SECT. 8. The mode of withdrawing or retiring shares is determined and their value. St. 1887, c. 216, § 2.

SECT. 9. Interest is allowed for all full months from the date of the preceding adjustment. St. 1887, c. 216, § 5.

SECT. 10. Before paying off matured shares, arrears and fines are to be deducted. St. 1882, c. 251, § 1.

In lending money the bids may be a rate of interest not less than five per cent. instead of a premium. St. 1882, c. 251, § 2.

SECT. 14. Partial payments of loans may be made in sums of fifty dollars or any multiple thereof and for each two hundred dollars paid a share shall be released. St. 1887, c. 216, § 4.

SECT. 16 is amended by providing that the share of a member six months in arrears may be declared forfeited. He is then given credit for the withdrawing value of his share, and the balance is enforced against his security. St. 1882, c. 251, § 1.

CHAPTER 118a.

OF SAFE DEPOSIT CORPORATIONS.

Corporations for the purpose of letting vaults, safes and other receptacles may, under certain formalities, remove the contents of such vaults where the rent has not been paid for two years. St. 1887, c. 89.

CHAPTER 119.

OF INSURANCE COMPANIES AND INSURANCE.

The insurance law is revised and codified. St. 1887, c. 214.

SECTS. 21, 38. The money or relief to be paid by companies incorporated under this act and doing life or casualty insurance on the assessment plan is not attachable. St. 1885, c. 183, § 11.

SECT. 145. Life and casualty insurance on the assessment plan is regulated. St. 1885, c. 183.

§ SECT. 167. The benefit provided by companies formed under this act cannot be held for debts or liabilities of policy or certificate holders or beneficiaries. St. 1885, c. 183, § 11.

SECT. 173. This section is repealed and unclaimed dividends are paid into the treasury. Claims for such dividends may be made within two years. St. 1883, c. 258.

The limitation of time is repealed. Claims and evidence may be filed with the auditor. St. 1886, c. 300.

SECT. 185. False or fraudulent statements or representations by any solicitor, agent or examining physician, are made misdemeanors and punished when made with reference to insurance under this act. St. 1885, c. 183, § 12.

CHAPTER 124.

OF THE RIGHTS OF A HUSBAND IN THE REAL ESTATE OF HIS DECEASED WIFE, AND THE RIGHTS OF A WIFE IN THAT OF HER DECEASED HUSBAND.

SECT. 1. The words "If his wife does not otherwise provide by her will," are stricken out. St. 1885, c. 255, § 2.

The husband takes the share of his wife's real estate in fee, whether she dies testate or intestate. St. 1887, c. 290, § 1.

CHAPTER 125.

OF THE DESCENT OF REAL ESTATE.

SECT. 4. The property of an illegitimate child descends to his relatives through his mother if she is dead. St. 1882, c. 132.

CHAPTER 126.

GENERAL PROVISIONS CONCERNING REAL ESTATE.

Conditions or restrictions affecting the title or use of real estate unlimited as to time shall be construed as limited to thirty years, except in gifts or devises for public, charitable or religious uses and grants from the Commonwealth. St. 1887, c. 418.

SECTS. 5, 6. A conveyance to a husband and wife no longer creates an estate in joint tenancy without express words. St. 1885, c. 237.

CHAPTER 130.

OF THE APPOINTMENT OF ADMINISTRATORS.

SECT. 1. Administration may be granted to one or more of the next of kin when the widow and all the other next of kin resident here and of age consent. Notice may be dispensed with. St. 1885, c. 260.

SECTS. 2, 8. Administrators may be allowed to give a bond without sureties. St. 1885, c. 274.

SECT. 4 is amended so that if any property or claim or right thereto belongs or accrues to such estate after twenty years, original administration may be granted on it. St. 1885, c. 242.

SECTS. 10-17. A special administrator, by leave of the probate court, may pay the expenses of the executor in proving the will. St. 1884, c. 291.

CHAPTER 131.

OF PUBLIC ADMINISTRATORS.

SECT. 18. Claims under this section are limited to one year after the money is deposited. St. 1883, c. 264.

CHAPTER 134.

OF SALES AND MORTGAGES OF REAL ESTATE BY EXECUTORS AND ADMINISTRATORS.

Executors and administrators may be licensed to sell at private sale. St. 1886, c. 137.

CHAPTER 135.

OF ALLOWANCES TO WIDOWS AND CHILDREN AND OF THE DISTRIBUTION OF THE ESTATES OF INTESTATES.

SECT. 3, Cl. 3. The husband, instead of the whole, is given one-half of the personal estate of his deceased wife. St. 1882, c. 141.

SECT. 3, Cl. 5. If the intestate leaves a widow and no kindred, the widow shall be entitled to the whole of the residue. St. 1885, c. 276.

CHAPTER 139.

OF GUARDIANSHIPS.

SECTS. 1-3. The Boston Children's Friend Society may be appointed the guardian of minors. St. 1885, c. 362.

CHAPTER 140.

OF SALES AND MORTGAGES OF REAL ESTATE BY GUARDIANS.

SECT. 18. The right to license guardians to sell at private sale is no longer limited to undivided interests. St. 1885, c. 258.

CHAPTER 143.

GENERAL PROVISIONS RELATIVE TO BONDS OF EXECUTORS,
ADMINISTRATORS, GUARDIANS AND TRUSTEES.

SECT. 1. Foreign fidelity insurance companies may be sureties on probate bonds. St. 1885, c. 241.

Companies may be formed to act as sureties on probate bonds. St. 1884, c. 296.

CHAPTER 144.

OF THE ACCOUNTS AND SETTLEMENTS OF EXECUTORS, ADMIN-
ISTRATORS, GUARDIANS AND TRUSTEES.

SECT. 7. Money paid with the approval of the judge to any person or corporation for becoming surety on the bond may be allowed. St. 1886, c. 233.

SECT. 16. Legacies due to persons whose residence is unknown may be ordered to be deposited under this section. St. 1885, c. 376.

CHAPTER 145.

OF MARRIAGE.

Jurisdiction of petitions for nullity is given if the libellant has resided here for five years next preceding the filing of the libel unless he removed here for the purpose. St. 1886, c. 36.

SECT. 24. The returns of marriages shall be preserved, filed, arranged and indexed conveniently for examination and reference. St. 1887, c. 202, § 3.

CHAPTER 146.

OF DIVORCE.

Statistics as to libels of divorce must be furnished by the clerks of the courts to the secretary of state, who prepares abstracts and tables for the legislature. St. 1882, c. 194.

The superior court is given exclusive original jurisdiction of all causes of divorce and nullity and validity of marriage. St. 1887, c. 332, § 1.

SECT. 1. Divorce may be decreed for absence which would raise a presumption of death. St. 1884, c. 219.

SECT. 19. The application for final decrees is to be made, without further notice, to the court, or a justice of it, instead of the clerk. St. 1882, c. 223.

SECT. 42. Whoever procures or assists in procuring any fraudulent divorce or divorce out of the State for one who is a resident, is punished. St. 1886, c. 342.

SECTS. 42-44. Whoever advertises the business of procuring divorces is punished. St. 1887, c. 320.

CHAPTER 147.

OF CERTAIN RIGHTS AND LIABILITIES OF HUSBAND AND WIFE.

A wife shall have the right of interment in any lot or tomb which her husband owned during coverture, unless she has released it. St. 1883, c. 262.

SECTS. 1, 6. A married woman living separate by decree may devise or convey her property free from all rights in her husband. Sts. 1884, c. 301 ; 1885, c. 255.

SECT. 3. The words "husband and wife shall not transfer property to each other" are so changed that this chapter shall not "authorize" such transfer. The change applies to all transfers made since the enactment of the Public Statutes. St. 1884, c. 132.

SECT. 6. Where it has been established by decree that a married woman is deserted or living apart from her husband for justifiable cause, her will cuts off his rights. St. 1885, c. 255.

The will of the wife cannot deprive the husband of his right to her real estate to the amount of five thousand dollars when she leaves no issue. St. 1887, c. 290, § 2.

SECTS. 16 *et seq.* Provision is made for the release of courtesy by the guardian of an insane husband. St. 1886, c. 245.

SECTS. 31, 32, 33, 36. The probate court shall have exclusive original jurisdiction of petitions under these sections and the appeal from the probate court shall be to the superior court. St. 1887, c. 332, §§ 2, 3.

CHAPTER 148.

OF THE ADOPTION OF CHILDREN AND THE CHANGE OF NAMES.

SECTS. 11-14. A list of all names changed by special act or under the General or Public Statutes is to be published and distributed. St. 1884, c. 249.

CHAPTER 150.

OF THE SUPREME JUDICIAL COURT.

SECT. 2, Cl. 11. Double costs and interest at twelve per cent. may be given for frivolous appeals or exceptions on the motion of the other party or without it. St. 1883, c. 223, § 15.

SECTS. 21, 22, 23, 25. The provisions for special terms for capital cases are repealed. St. 1886, c. 339.

SECT. 31. The law term for Worcester is hereafter to be held on the third Monday after the second Tuesday of September, instead of on the third Tuesday. St. 1885, c. 48.

SECT. 39. Justices of the supreme court, after ten years' service and after attaining the age of seventy years, may retire on three-fourths of the salary. St. 1885, c. 162.

CHAPTER 151.

OF THE SUPREME JUDICIAL COURT; EQUITY JURISDICTION.

SECT. 2, Cl. 11. The provisions for reaching the property of debtors are extended. The debt may be less than one hundred dollars. The interest of a partner may be reached. St. 1884, c. 285.

SECT. 7. The forms in equity are established. Suits in equity may be brought where transitory actions now are. No action shall be defeated because the form ought to be law instead of equity, or *vice versa*. St. 1883, c. 223, §§ 10, 13, 17.

CHAPTER 152.

OF THE SUPERIOR COURT.

SECT. 1. There shall be eleven associate justices instead of ten in the superior court. St. 1886, c. 31.

SECT. 2. The salary of the chief justice is raised from \$4,800 to \$5,300, and that of the other justices from \$4,500 to \$5,000. St. 1882, c. 205.

Justices of the superior court, after ten years' service and after attaining the age of seventy years, may retire on one-half of the salary. St. 1887, c. 420.

SECT. 3. The superior court is given exclusive original jurisdiction of all causes of divorce and nullity or validity of marriage. St. 1887, c. 332, § 1.

SECT. 4. General equity jurisdiction is given and the practice in equity is regulated. St. 1883, c. 223.

The return day of process is to be computed from the service and not from the date. St. 1884, c. 316.

SECT. 5. The superior court shall also have jurisdiction of certain appeals from the probate court. St. 1887, c. 332, § 3.

SECT. 8. The affidavit and request for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384, § 14.

SECT. 17. The number of criminal terms for Hampden is increased from two to three. They are to be held on the first Monday of May, the fourth Monday of September and the third Monday of December. St. 1885, c. 27.

The criminal term in Essex on the second Monday of May is changed to the first Monday. St. 1885, c. 191.

Applications for a jury for the assessment of damages for land taken by any town in the counties of Nantucket or Dukes County may be made to the superior court in Bristol County. St. 1887, c. 50.

SECT. 18. The superior court in Plymouth may be adjourned to Brockton, but no longer to Bridgewater. St. 1885, c. 134.

SECT. 24, which provides that no justice shall hold more than four terms in any one year for the transaction of criminal business only, is repealed. St. 1887, c. 183.

CHAPTER 153.

OF MATTERS COMMON TO THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT.

SECTS. 10, 13. When disability or death of the justice prevents him from signing bills of exceptions, they may be proved as if they had been disallowed by him. St. 1882, c. 239.

CHAPTER 154.

OF THE POLICE, DISTRICT AND MUNICIPAL COURTS.

SECT. 1. The session of the district court of Hampshire, required by St. 1882, c. 227, to be held at Cummington, is made discretionary with the justice. St. 1883, c. 75.

The clerk need not attend except at Northampton, but makes his record from the minutes of the judge. St. 1883, c. 80.

Sessions of the district court of Northern Berkshire are established at Adams. St. 1884, c. 266.

SECT. 2. For the police court of Cambridge is substituted the third district court of Eastern Middlesex, including Cambridge, Arlington and Belmont. The fourth district court of Eastern Middlesex is established, including Woburn, Winchester and Burlington. St. 1882, c. 233.

Police courts are established in Marlborough and Brookline. St. 1882, c. 233.

The district court of Hampshire is established with a district including the county. St. 1882, c. 227.

The town of Hopkinton is taken from the district of the first district court of Southern Middlesex. St. 1882, c. 169.

The first district court of Northern Worcester is established. St. 1884, c. 215.

The city of Brockton and the towns of Bridgewater and West Bridgewater are made a district for the police court of Brockton, with a justice at a salary of \$1,600 and a clerk at \$800. The first district court at Plymouth is abolished and its business is transferred to the police court of Brockton. St. 1885, c. 155.

East Bridgewater is annexed to the district of the police court of Brockton. St. 1887, c. 322.

The district court of Western Hampden is established, including the towns of Westfield, Chester, Granville, Southwick, Russell, Blandford, Tolland and Montgomery. The salary of the judge is \$1,200, and of the clerk \$300. St. 1886, c. 190.

SECTS. 4-10. The justices may interchange services as they may find convenient. St. 1885, c. 132.

SECT. 5. The police court of Chelsea is given a clerk. St. 1882, c. 176.

And the second district of Eastern Middlesex. St. 1883, c. 97.

And the district court of Hampshire. St. 1883, c. 80.

And the municipal court for the Dorchester District. St. 1885, c. 79.

The clerkship of the district court of Southern Berkshire is abolished. St. 1884, c. 231.

The district court of Southern Berkshire is given a clerk at a salary of \$200. St. 1886, c. 333.

The municipal court for the West Roxbury district is given a clerk whose salary is \$500. St. 1887, c. 274.

An assistant clerk is provided for the municipal court of the South Boston district at a salary of \$600. St. 1887, c. 327.

SECT. 11. The criminal jurisdiction of police and district courts is extended. Provision is made for crimes committed near the line of the district. St. 1885, c. 322.

It is also extended to cases under chapter 57, relating to the sale and inspection of milk. St. 1885, c. 149.

SECT. 16. This section, which provides that writs from certain courts may run into other counties, is made to apply to all district, police and municipal courts. St. 1885, c. 45; superseding St. 1884, c. 216, § 5.

SECTS. 18, 19. Municipal, district and police courts are given concurrent jurisdiction with the superior court over assaults with a dangerous

weapon, indecent exposure and unlicensed theatrical exhibitions, shows and masked balls, of malicious injuries to personal property where the value of the property is less than one hundred dollars. St. 1887, c. 293.

SECT. 25. When no justice is present at a police or district court the sheriff or his deputy may adjourn it. St. 1884, c. 188.

SECT. 26. Special justices of the district of Hampshire are allowed their travelling expenses, not exceeding one hundred dollars. St. 1884, c. 205.

SECT. 34. which requires the justice to examine the accounts of the clerk, is repealed, that duty being now performed by the controller of accounts. St. 1887, c. 438, § 8.

SECT. 39. Section 52 of this chapter requiring a bond instead of a recognizance is extended to the other municipal, police and district courts. St. 1882, c. 95.

SECT. 42. The justices of the several municipal courts of Boston may act for each other in certain cases. St. 1882, c. 43.

Winthrop is added to the East Boston district. St. 1882, c. 146.

The municipal court of the East Boston district is abolished, and the East Boston district court substituted; the town of Winthrop being added to the district. The new court has a clerk. St. 1886, c. 15.

SECT. 55. Another associate justice is added to the municipal court in Boston, making three in all. St. 1882, c. 41.

SECT. 58. The clerk of the municipal court in Boston for criminal business is paid \$1,900 instead of \$1,600 to be expended for extra clerical assistance. St. 1883, c. 47.

A second assistant to the clerk for civil business at a salary of \$1,600 per year may be appointed. St. 1885, c. 42, § 2.

A fifth assistant clerk may be appointed. St. 1885, c. 137.

SECT. 62. An additional session may be held by the special justice when requested by the chief or senior justice, he receiving \$10 per day therefor. St. 1885, c. 42.

SECT. 64. The salaries of the justices are increased as follows:

	From	To
Central Berkshire, 1887, c. 190,	\$1,200	\$1,600
Northern Berkshire, 1887, c. 61,	1,000	1,200
Southern Berkshire, 1884, c. 231,	800	1,200
Boston, 1887, c. 163, Chief,	3,000	4,300
“ “ “ Associate,	3,000	4,000
Brighton, 1885, c. 49,	1,200	1,600
Brookline, 1882, c. 233,	—	800
Brookline, 1884, c. 211,	800	1,000
Dorchester, 1885, c. 79,	1,200	1,600

JUSTICES' SALARIES — *Concluded.*

	From	To
East Boston, 1882, c. 245; 1886, c. 15,	\$1,200	\$1,800
First Bristol, 1884, c. 220,	600	800
First Essex, 1882, c. 245.	1,600	1,800
Fitchburg, 1882, c. 245,	1,000	1,200
Western Hampden, 1886, c. 190,	—	1,200
Hampshire, 1882, c. 227,	—	2,800
Haverhill, 1882, c. 245,	1,400	1,800
Holyoke, 1886, c. 151,	1,500	1,800
Lowell, 1886, c. 307,	1,800	2,300
Lynn, 1886, c. 154,	1,600	1,800
Marlborough, 1882, c. 233,	—	1,000
First Eastern Middlesex, 1882, c. 245; 1886, c. 166,	1,200	1,800
Second Eastern Middlesex, 1886, c. 123,	1,200	1,500
Third Eastern Middlesex, 1882, c. 233,	—	2,200
Fourth Eastern Middlesex, 1882, c. 233,	—	1,200
Newburyport, 1882, c. 245,	700	1,200
Somerville, 1882, c. 245; 1887, c. 180,	1,200	1,500
South Boston, 1882, c. 245,	1,800	2,000
Springfield, 1887, c. 171.	1,800	2,000
West Roxbury, 1883, c. 111,	1,200	1,600
First Eastern Worcester, 1884, c. 208.	800	1,000
Second Eastern Worcester, 1882, c. 215,	800	1,000
First Northern Worcester, 1884, c. 215,	—	1,200
Third Southern Worcester, 1882, c. 245,	1,400	1,600

The salary of the justice of the district court of Hampshire is reduced from \$2,800 to \$2,300, he being given a clerk. St. 1883, c. 75.

The salaries of the clerks are increased as follows :

	From	To
Central Berkshire, 1882, c. 245,	\$600	\$800
Northern Berkshire, 1887, c. 61,	500	600
Southern Berkshire, 1886, c. 333; 1887, c. 227,	-	500
Boston, Civil, 1882, c. 245,	2,250	3,000
Boston, Criminal, 1885, c. 137,	2,250	3,000
Boston, Assistant Criminal, 1885, c. 137,	-	1,400
Charlestown, 1887, c. 175,	1,200	1,300
Chelsea, 1882, c. 176; 1884, c. 197; 1887, c. 117,	-	1,000
Dorchester, 1885, c. 79; 1886, c. 124,	-	900
East Boston, 1882, c. 245; 1886, c. 15,	1,000	1,400
First Essex, 1882, c. 245,	1,000	1,300
Fitchburg, 1882, c. 245,	500	700
Gloucester, 1883, c. 53,	600	800
Hampden, 1886, c. 190,	-	300
Hampshire, 1883, c. 80; 1886, c. 106,	-	1,000
Haverhill, 1882, c. 245,	600	800
Holyoke, 1884, c. 65; 1887, c. 318,	750	1,200
Lawrence, 1887, c. 208,	1,000	1,200
Lowell, 1882, c. 63; 1886, c. 307,	1,000	1,800
Marlborough, 1882, c. 233,	-	400
First Eastern Middlesex, 1882, c. 87; 1886, c. 167,	800	1,300
Second Eastern Middlesex, 1883, c. 97; 1885, c. 180,	400	600
Third Eastern Middlesex, 1882, c. 233; 1886, c. 165,	-	1,400
Fourth Eastern Middlesex, 1882, c. 233; 1887, c. 175,	-	800
First Southern Middlesex, 1886, c. 156,	600	800
Newburyport, 1882, c. 245,	600	700

CLERKS' SALARIES — *Concluded.*

	From	To
Newton, 1886, c. 158,	\$500	\$700
First Plymouth, 1883, c. 57,	500	600
Somerville, 1882, c. 245; 1887, c. 265,	600	1,000
South Boston, 1882, c. 245,	1,200	1,400
“ “ Assistant, 1887, c. 327,	—	600
Springfield, 1886, c. 155,	1,000	1,200
West Roxbury, 1887, c. 274,	—	500
Central Worcester, Assistant, 1882, c. 245,	800	1,000
Second Eastern Worcester, 1882, c. 245,	400	500
First Northern Worcester, 1884, c. 215,	—	600
First Northern Worcester, 1885, c. 286,	600	800

Of the constables :

	From	To
Boston, Civil (2), 1882, c. 245; 1886, c. 130,	\$1,000	\$1,200
Boston, Criminal (6), 1882, c. 245; 1886, c. 130,	1,200	1,400
Brighton, 1886, c. 148,	800	1,000
Charlestown, 1886, c. 136,	800	1,000
East Boston, 1882, c. 245,	1,000	1,100
South Boston, 1882, c. 245,	1,000	1,100
Roxbury, 1882, c. 245,	1,000	1,100
West Roxbury, 1886, c. 148,	800	1,000

The clerk of the fourth district court of Plymouth is allowed his traveling expenses not exceeding one hundred dollars. St. 1884, c. 204.

CHAPTER 155.

OF JUSTICES OF THE PEACE AND TRIAL JUSTICES.

SECT. 3. which authorizes them to summon witnesses, is redrawn. St. 1885, c. 141.

SECT. 4. The power of justices authorized to issue warrants is modified. St. 1884, c. 286.

SECT. 28. The appeal now runs to the return day. St. 1885, c. 384, § 5.

SECTS. 43-66. Trial justices have the same jurisdiction to sentence male persons to the Massachusetts Reformatory which district courts have. St. 1885, c. 356.

They shall have jurisdiction of cases under chapter 57 relating to the sale and inspection of milk. St. 1885, c. 119.

SECT. 49. Trial justices may not commit children under twelve to a jail, house of correction, house of industry or state workhouse, except for offences punishable by imprisonment for life. St. 1882, c. 127, § 1.

SECT. 78. Trial justices must pay over money in their hands four times a year and make returns to the controller of accounts. St. 1887, c. 438.

CHAPTER 156.

OF PROBATE COURTS.

SECT. 2. The probate court is given exclusive original jurisdiction of petitions of married women concerning their separate estate, and of petitions under chapter 147 concerning the care, custody, education and maintenance of minors. St. 1887, c. 332, § 2.

SECTS. 22, 23. The probate judge in Suffolk may appoint a constable of the city of Boston to attend the session and serve orders and precepts. His salary is \$1,200. St. 1884, c. 140.

His salary is increased from \$1,200 to \$1,300. St. 1887, c. 156.

SECT. 35. In probate cases expenses as well as costs may be awarded. St. 1884, c. 131.

SECT. 44. The limit of expense of recording probate proceedings in Suffolk is raised from \$1,200 to \$2,800. Sts. 1884, c. 118; 1887, c. 217.

SECT. 48. When the regular term falls on a legal holiday or on election day it shall be held on the day after, and notices to the regular term shall be deemed to be then returnable. St. 1884, c. 141.

In Hampden the court day is changed from Tuesday to Wednesday, and a session at Springfield is added in November, and four days are given to Holyoke. St. 1884, c. 294.

Four sessions of the probate court in Hampshire are to be held at Ware. St. 1886, c. 145.

The session for the county of Plymouth held on the fourth Monday of August is transferred from Middleborough to Wareham. St. 1887, c. 63.

A session is to be held at Orange for the county of Franklin on the fourth Tuesday of September. St. 1887, c. 46.

CHAPTER 157.

OF COURTS OF INSOLVENCY.

Provision is made for composition with creditors. It does not apply to corporations. St. 1884, c. 236.

The provisions as to composition with creditors are amended. St. 1885, c. 353.

SECT. 19. If the schedules by accident or mistake are not delivered within the three days, they may be afterwards. Delay or omission without fault of the debtor does not affect his right to a discharge. St. 1886, c. 290.

SECT. 26. Equitable liabilities may be proved. St. 1884, c. 293.

SECTS. 36, 91. The appeal is to be entered at the next return day. St. 1885, c. 384, § 5.

SECT. 46. Voluntary assignments are made valid against the assignee in certain cases. St. 1887, c. 340.

The trustees in voluntary assignments must at once give notice to all known creditors. St. 1887, c. 340, § 2.

SECT. 80. The delay or omission to deliver the schedule of creditors if without fault of the debtor does not prevent his discharge. St. 1886, c. 290.

Special judgments may be entered where property is held by attachment, and if the discharge is not granted or is not seasonably asked for *scire facias* may issue for the remainder of the debt. St. 1885, c. 59.

SECT. 84. No debt or claim against a pledgee created by an unauthorized sale of the collateral shall be discharged. St. 1885, c. 353, § 6.

SECT. 93 is amended by omitting the clause making the giving of preferences an objection to a discharge. St. 1886, c. 322.

SECT. 102. Accounts of assignees in insolvency must be sworn to by the assignees or one of them. St. 1884, c. 126.

SECT. 103. Provision is made for the investment of unclaimed dividends in the name of the judge. St. 1883, c. 242.

CHAPTER 158.

OF JUDGES AND REGISTERS OF PROBATE AND INSOLVENCY.

SECT. 23. The salary of the judge in Middlesex is raised from \$2,500 to \$3,000. St. 1882, c. 129. And to \$3,500. St. 1886, c. 184.

In Essex, from \$2,500 to \$3,000. St. 1883, c. 244. In Bristol, from \$1,800 to \$2,000. St. 1885, c. 165. In Worcester, from \$2,500 to \$3,000. St. 1885, c. 275. In Dukes county, from \$500 to \$600. St. 1885, c. 318. In Suffolk, from \$4,000 to \$5,000. St. 1885, c. 203. In Plymouth, from \$1,500 to \$2,000. St. 1886, c. 183. In Hampden, from \$2,000 to \$2,500. St. 1886, c. 189. In Barnstable, from \$1,000 to \$1,200. St. 1887, c. 166. In Norfolk, from \$2,000 to \$2,500. St. 1887, c. 72.

Of the judge and register of probate for Berkshire respectively, from \$1,200 to \$1,600. St. 1884, c. 192.

Of the assistant register in Suffolk, from \$1,500 to \$2,000. St. 1882, c. 144. In Essex, from \$1,500 to \$1,800. St. 1887, c. 273. In Middlesex, from \$1,500 to \$1,800. St. 1887, c. 259.

Of the register in Hampden county, from \$1,600 to \$1,800. St. 1884, c. 248.

SECTS. 23, 24. A sum not exceeding \$1,500 additional is allowed for clerical assistance in Middlesex county. St. 1885, c. 304. In Worcester, \$800. St. 1887, c. 39.

SECT. 24. In Suffolk the allowance for clerical assistance may be \$1,200. St. 1885, c. 205.

The register in Essex county is allowed a sum not exceeding \$1,000 for clerical assistance. St. 1886, c. 114.

CHAPTER 159.

OF CLERKS, ATTORNEYS AND OTHER OFFICERS OF JUDICIAL COURTS.

Clerks of the superior court and of the municipal court of Boston may use a fac-simile of their signatures upon writs, summons, orders of notice to appear and orders of attachment, except executions. St. 1885, c. 321.

SECTS. 28, 29. The clerk of the supreme judicial court for the county of Suffolk is given a salary of \$5,000 and must pay over all fees. He shall act as clerk for the court when sitting in Boston for cases from other counties, except when sitting as a full court, and for this receives \$1,500. St. 1887, c. 291.

SECT. 29. The salary of the clerk of courts for the county of Dukes County is raised from \$300 to \$600, and the provision giving him the whole amount of the fees is repealed. St. 1887, c. 112.

SECT. 31. The salary of the first assistant clerk of the superior court for civil business in the county of Suffolk is raised from \$2,500 to \$2,600. St. 1887, c. 199.

The salary of the second assistant clerk for civil business is raised from \$2,000 to \$2,500. St. 1885, c. 250.

SECT. 34. The provisions relating to the qualification and admission to practice of attorneys-at-law apply to women. St. 1882, c. 139.

SECT. 44. The clause forbidding any person to appear as counsel or attorney in any suit determined by him as judge or trial justice is extended to any proceeding, civil or criminal. St. 1884, c. 170.

SECT. 50. The compensation of masters and special masters in chancery and of assessors appointed by the court is paid by the county. St. 1883, c. 216. And also of referees. St. 1886, c. 51.

And also the fees of arbitrators under chapter 188 upon whose awards judgment is entered. St. 1887, c. 289.

SECT. 68. Deputies in attendance on the supreme judicial court in Suffolk, not exceeding four in number, are paid a salary of \$1,400 instead of \$4.50 per day and travel. St. 1882, c. 232. This is increased to \$1,700. St. 1886, c. 37.

Officers in attendance upon the probate courts or courts of insolvency are included in this section and paid \$4.00 per day and travel. St. 1887, c. 243.

SECT. 69. Officers attending the superior court are paid \$1,500 instead of \$1,400 as before. St. 1882, c. 245, § 3.

Officers and messengers of the superior court in Suffolk are to be paid \$1,700 instead of \$1,400. St. 1886, c. 37.

The superior court may appoint official stenographers in each county. St. 1885, c. 291.

The fees of the official stenographers are increased. St. 1887, c. 74.

The provision for stenographers in Suffolk is revised. St. 1887, c. 24.

CHAPTER 160.

SPECIAL PROVISIONS RESPECTING COURTS AND THE ADMINISTRATION OF JUSTICE.

SECT. 4. When Christmas falls on Sunday the courts are not open on the day following. St. 1882, c. 49.

The first Monday of September, Labor's holiday, is made a legal holiday. St. 1887, c. 263.

SECTS. 8-10. The laws as to naturalization are revised and jurisdiction given to the lower courts. St. 1885, c. 345.

If the applicant for naturalization does not live in the district of any police, municipal or district court, he may apply to the court held nearest to the town in which he resides. St. 1886, c. 203.

SECT. 9. This section is repealed. Primary declarations may be filed at any time, and the oath administered at the time of filing. St. 1886, c. 45.

The returns of naturalizations made to the secretary need not be printed. St. 1887, c. 36.

CHAPTER 161.

OF THE COMMENCEMENT OF ACTIONS AND THE SERVICE OF PROCESS

SECT. 1. The venue of equity suits is the same as that of transitory actions. St. 1883, c. 223, § 13.

SECTS. 1-12. The supreme judicial and superior courts are given power in certain cases to change the venue of actions. St. 1887, c. 347.

SECT. 10. The motion for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384, § 14.

SECT. 13. A fac-simile of the clerk's signature may be used on writs and orders, except executions. St. 1886, c. 13.

SECTS. 13 *et seq.* Justices of the supreme or superior courts may order writs or other process to be issued by the clerk of the county where he is sitting, instead of by the clerk of that in which the cause is pending. St. 1886, c. 223.

SECT. 23. Writs are to be made returnable on the first Monday of each month, terms being abolished. St. 1885, c. 384, §§ 1, 2.

SECT. 7. Writs run to a return day instead of to a term. St. 1885, c. 384, § 5.

CHAPTER 162.

OF ARREST, IMPRISONMENT AND DISCHARGE.

SECTS. 18-20. The same steps of notice and examination must be had where the other charges in § 17 are made which are now provided for the first charge. St. 1887, c. 442, §§ 1, 2.

SECTS. 32, 34. A debtor shall not suffer default by reason of the absence or disability of the magistrate if a new notice is issued within three days. St. 1887, c. 442, §§ 3, 4.

CHAPTER 163.

OF BAIL.

SECT. 12. The bail are also discharged on paying costs if the principal dies. St. 1884, c. 260.

CHAPTER 164.

OF PROCEEDINGS AGAINST ABSENT DEFENDANTS AND UPON INSUFFICIENT SERVICE.

SECT. 6. When real estate of a non-resident is attached notice must be given him within one year or the suit must be dismissed. St. 1884, c. 268.

SECT. 7. A default is entered on failure to appear within ten days after the day specified in the notice. St. 1885, c. 384, § 8.

CHAPTER 167.

OF PLEADING AND PRACTICE.

Terms of the courts are abolished, but sittings shall be held when and where the terms are now appointed. The courts are always open. Return days for writs and other process are established on the first Monday of every month. The practice of the courts is adapted to these changes. St. 1885, c. 384.

All civil actions except replevin may be begun by bill or petition and such relief may be given as the case requires. St. 1887, c. 383.

Claimants may be summoned in and the parties required to interplead. St. 1886, c. 281.

SECT. 9. Instead of the failure to file declaration being a discontinuance, the action may be dismissed on motion. St. 1885, c. 384, § 6.

SECT. 17. Any matter which in equity would entitle the defendant to be abs lutely relieved from the plaintiff's claim may be alleged. St. 1883, c. 223, § 14.

SECT. 24. Equitable defences may be relied on in reply to the defendant's answer. St. 1883, c. 223, § 14.

SECT. 43. The superior court retains jurisdiction although the action may be changed to equity. St. 1883, c. 223, § 17.

SECTS. 46, 47 are repealed and new provisions as to defaults are substituted. St. 1885, c. 384.

SECT. 67. When there are two or more shire towns the shire town at

which an action shall be tried may be designated at the term of entry and then it shall not be tried elsewhere nor costs given for terms held elsewhere. St. 1882, c. 264.

The parties may agree that an action shall not be tried before a certain day. St. 1884, c. 304.

SECT. 90. Police courts also may order the defendant to file an answer. St. 1886, c. 64.

CHAPTER 169.

OF WITNESSES AND EVIDENCE.

SECT. 1. Every clerk of a court of record may issue subpoenas in all cases, but a justice of the peace only in civil cases, unless requested by the prosecuting officer or the party prosecuted, and in the latter case it must be expressed in the subpoena. St. 1884, c. 247, is repealed. St. 1885, c. 141.

SECTS. 7, 8. The board of police commissioners is added to the bodies which may call witnesses before them, and if they do not attend, the chairman may issue a warrant. St. 1882, c. 267.

Justices of the supreme or superior courts may compel witnesses to appear before special tribunals which have power to summon but not to compel their attendance. St. 1883, c. 195.

SECTS. 28, 41. Where the adverse party does not appear to defend, no notice of the taking of depositions and no exhibition of interrogatories is required. St. 1883, c. 188.

SECT. 54. In case of depositions *in perpetuam memoriam* of parties without the state, the court shall order reasonable notice to non-resident parties interested. St. 1882, c. 140.

SECT. 70. Copies of the records, books and accounts of savings banks verified by affidavit are made evidence. St. 1885, c. 92.

CHAPTER 170.

OF JURIES.

SECT. 35. Jurors may be examined by the parties or their attorneys under the direction of the court. St. 1887, c. 149.

CHAPTER 171.

OF JUDGMENT AND EXECUTION.

New provisions are made as to the time of entering judgment. St. 1885, c. 384.

SECTS. 17, 24. Special judgments in insolvency cases are regulated. A general execution may be issued or the plaintiff may have *scire facias* where the defendant fails to obtain a discharge or unreasonably delays to prosecute the proceedings. St. 1885, c. 59.

SECTS. 52, 53. Provision is made for a record of seizure in cases where the levy is suspended on account of a prior attachment. St. 1887, c. 407.

SECT. 54. In case of sickness or absence of the officer serving the execution, he or the judgment creditor may delegate another officer to act. St. 1885, c. 125.

CHAPTER 172.

OF THE LEVY OF EXECUTION ON REAL ESTATE.

SECT. 30. Execution sales where the sale is restrained may be adjourned until the further order of the court granting the injunction. On the final determination of the injunction the court may order the sale to proceed and further notice to be given. St. 1884, c. 175.

SECT. 49. The right of redemption is extended to lands set off as well as those sold. St. 1886, c. 86.

CHAPTER 176.

OF PETITIONS FOR THE SETTLEMENT OF TITLE.

After possession for twenty years by the mortgager he may apply to the supreme court, and if it appears that there has been no act of recognition during that time, any action is barred. Sts. 1882, c. 237; 1885, c. 283.

CHAPTER 178.

OF THE PARTITION OF LAND.

SECT. 13. The affidavit for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384.

SECTS. 45 *et seq.* Probate courts may make a partial division setting off to the petitioner his share and allowing the residue to remain in common. St. 1885, c. 293.

SECT. 51. The notice of the petition is to be published in "such newspaper or newspapers," instead of in "newspapers." St. 1882, c. 55.

SECT. 63 is amended as stated in the published edition of the Public Statutes. St. 1882, c. 6, § 2.

SECTS. 64-75. Provision is made for the partition of land where there are estates for life or terms for years, a trustee being appointed to hold any money coming from such partition and pay over the income to the tenant and the principal to the remainder man when the first estate ceases. St. 1887, c. 286.

CHAPTER 180.

OF ACTIONS FOR PRIVATE NUISANCES.

Certain fences and other like structures are declared private nuisances. St. 1887, c. 348.

CHAPTER 181.

OF THE REDEMPTION AND FORECLOSURE OF MORTGAGES.

SECT. 17. The notice of sale under a mortgage of real estate, if there is no newspaper in the town, may be given in some newspaper in the county. St. 1882, c. 75.

CHAPTER 183.

OF THE TRUSTEE PROCESS.

SECT. 7. No trustee writ issued by a trial justice shall be made returnable more than thirty days after its date. St. 1887, c. 33.

SECT. 10. Appearance and answer must be within ten days from the return day of the writ. St. 1885, c. 384, § 9.

SECT. 33. The wages or lay of seamen on contracts hereafter made are not attachable. St. 1886, c. 194.

SECT. 34. The funds of railroad relief societies are not liable to trustee process. St. 1886, c. 125.

SECT. 73. When pending the trustee process the defendant sues the trustees, the costs in such suit are in the discretion of the court. St. 1883, c. 62.

CHAPTER 185.

OF HABEAS CORPUS AND PERSONAL REPLEVIN.

SECT. 18 is amended as stated in the published edition of the Public Statutes. St. 1882, c. 6, § 3.

CHAPTER 187.

OF WRITS OF ERROR AND WRITS OF AND PETITIONS FOR REVIEW

SECT. 39. A stay of execution may be ordered without security when the petitioner had no actual knowledge of the action before judgment was entered. St. 1882, c. 249.

CHAPTER 188.

OF REFERENCE TO ARBITRATION.

The fees of arbitrators appointed under this chapter upon whose awards judgment is entered are paid by the county. St. 1887, c. 289.

CHAPTER 189.

OF IMPROVING MEADOWS AND SWAMPS.

SECT. 15. "Return day" is substituted for "court." St. 1885, c. 384, § 5.

CHAPTER 192.

OF MORTGAGES, CONDITIONAL SALES, PLEDGES AND LIENS ON PERSONAL PROPERTY.

SECTS. 1, 2 are repealed and two new sections are substituted. The new sections differ in requiring the mortgage to be recorded within fifteen days from the date written therein. If it must be recorded in two places, the second record must be within ten days of the first. The mortgage is not good except between the parties until so recorded, and a record after the time fixed is void. St. 1883, c. 73.

SECTS. 10-12. Debts or claims against a pledgee created by an unauthorized sale of the collateral are not discharged in insolvency. St. 1885, c. 353.

SECT. 13. Conditional sales of furniture or household goods are regulated. St. 1884, c. 313.

CHAPTER 195.

OF THE COLLECTION OF CLAIMS AGAINST THE COMMONWEALTH.

SECT. 1. The superior court is given jurisdiction of all claims against the Commonwealth, whether at law or in equity, except those mentioned in section 7, but they shall be subject to set-off or recoupment, as if the Commonwealth was a private individual. St. 1887, c. 246.

CHAPTER 198.

OF COSTS IN CIVIL ACTIONS.

SECT. 25. Appeals from taxation of costs by the clerk, if during the term, shall be heard by the justice before adjournment. St. 1882, c. 235.

SECT. 28. The term fees which are allowed to the prevailing party are limited. St. 1882, c. 264.

CHAPTER 199.

OF THE FEES OF CERTAIN OFFICERS.

SECT. 6. The fees of officers for travel to summon witnesses in criminal cases under twenty miles are raised. The distance is computed from the most distant place of service to the place of return. When the officer has not actually travelled the distance, the court may reduce the amount. St. 1882, c. 215.

SECT. 9. In the service of criminal precepts the officer is allowed fifteen cents a mile for a horse and carriage if he uses his own, and the sum actually expended if he uses those of another, but he must make certificate of the necessity and the distance travelled and sum paid. St. 1885, c. 254.

SECT. 15. Appraisers may be allowed what is just and reasonable instead of \$1 per day. St. 1886, c. 185.

CHAPTER 202.

OF OFFENCES AGAINST THE PERSON.

SECT. 27. The age of consent in case of rape is raised from ten years to thirteen. St. 1886, c. 305.

CHAPTER 203.

OF OFFENCES AGAINST PROPERTY.

False statements of the distance which the person intends to travel when hiring a horse, or of the distance actually travelled, or refusal to pay the hire, are punished. St. 1882, c. 236.

SECT. 40. Embezzlement by agents, clerks, etc., shall include embezzlement by officers of voluntary associations and societies. St. 1884, c. 174.

SECTS. 20, 40. Embezzlement of the property of voluntary associations is made a crime. The name by which they are generally known is a sufficient description. St. 1886, c. 328.

SECT. 56 is extended to agents, clerks, or servants or officers of persons

and firms and to the omission to make a true entry as well as the making a false entry. St. 1885, c. 223.

SECTS. 58, 59. Fraudulent use of the insignia of the Grand Army of the Republic or of the Loyal Legion is made an offence. St. 1887, c. 67.

SECT. 79. Detaining, without cause, books, etc., taken from public libraries is punished. St. 1883, c. 77.

The mutilation of maps, newspapers, magazines, pamphlets and manuscripts is also punished, and to the libraries is added, "incorporated libraries." St. 1883, c. 81.

SECT. 99. A person may, by notice, prohibit shooting or trapping on his land, and game artificially propagated on such land is his. St. 1884, c. 308.

Wilful trespass on lands appurtenant to prisons or houses of correction, disturbance of such institution or communication with the inmates, is punished. St. 1885, c. 303.

SECT. 101. The tearing down, removal, or defacing of a town warrant, list of voters or jurors, or other legal notice, is punished. St. 1883, c. 156.

SECT. 103. The malicious defacing of milk cans is punished. St. 1885, c. 133.

SECT. 103. Municipal, district, and police courts are given concurrent jurisdiction with the superior court of malicious injuries to personal property punished under this section. St. 1887, c. 293.

SECTS. 107, 108, 109. The wilful or negligent setting of fires is punished. St. 1886, c. 296, § 1.

Whoever wantonly and recklessly sets fire to any material which causes the injury or destruction of growing or standing wood is punished. St. 1882, c. 163.

CHAPTER 205.

OF OFFENCES AGAINST PUBLIC JUSTICE.

Commitments for contempt may be made to any jail, and the process may be served by the sheriff to whom it is directed in other counties as well as in his own. St. 1886, c. 224.

CHAPTER 207.

OF OFFENCES AGAINST CHASTITY, MORALITY AND GOOD ORDER.

The exhibition of persons deformed is forbidden. St. 1884, c. 99.

Unnatural and lascivious acts are made criminal and the form of the complaint or indictment is fixed. St. 1887, c. 436.

SECT. 2 is amended so as to cover not only the purpose of prostitution but of unlawful sexual intercourse. Giving drugs or other things for purposes of sexual intercourse, intercourse with idiotic or imbecile women or girls, and inducing any person under eighteen year old to have such unlawful intercourse are punished. The owner or person in control of premises who suffers or induces any girl under the age of twenty-one to be upon the premises for the purpose of unlawful intercourse is punished. The evidence of one witness must be corroborated and prosecutions must be commenced within one year. St. 1886, c. 329.

SECT. 15. The sale or distribution to minors of papers devoted to criminal news or reports of crime is forbidden, and whoever employs minors or permits them, if under his control, to be employed in such distribution is punished. St. 1885, c. 305.

SECT. 26. The maximum fine for drunkenness is increased from one to five dollars, and the maximum imprisonment for non-payment from ten days to thirty days. The county commissioners may release persons so confined. St. 1885, c. 375.

SECT. 27. Male persons convicted of a third offence of drunkenness may be sentenced to the reformatory for not less than one year and not more than two years. St. 1885, c. 365.

SECT. 28. Keeping any place for opium smoking, the selling or giving away opium at such place, or resorting to it to smoke, is punished. St. 1885, c. 73.

SECTS. 29, 42. Rogues, vagabonds, vagrants and others named in these sections, may be sent to the state workhouse as tramps now are under section 38. St. 1884, c. 258.

Male persons committing the offences named in these sections may be sentenced to the reformatory for not less than one year and not more than two years. St. 1885, c. 365, § 1.

SECT. 34. Persons disorderly or indecent in speech or behavior on public conveyances are punished. St. 1883, c. 102.

The wilful disturbance of persons in a public library or reading-room is punished. St. 1885, c. 225.

SECT. 69. This section is repealed and a substitute enacted extending the provisions against discrimination in public places on account of race or color. St. 1885, c. 316.

CHAPTER 208.

OF OFFENCES AGAINST PUBLIC HEALTH.

The manufacture or sale of any drug or article of food which is adulterated is punished. Adulteration is defined. Such compounds as are recognized as ordinary articles of food or drink are exempt if so marked. Provision is made for analyzing samples. Sts. 1882, c. 263; 1884, c. 289; 1886, c. 171.

The state board may expend annually in enforcing the laws against adulterations not exceeding ten thousand dollars, of which three-fifths must be for enforcing the laws against adulterations of milk. They must report the prosecutions and an itemized account of the expenditure. St. 1884, c. 289, § 1.

The sale or gift of any cigarette, snuff or tobacco to persons under sixteen years of age is forbidden. St. 1886, c. 72.

SECT. 6 is extended to cover any other deadly poisonous substance or compound besides those expressly named. The record may be inspected by the police. St. 1887, c. 38.

CHAPTER 209.

OF OFFENCES AGAINST PUBLIC POLICY.

Property shall not be sold or exchanged by the inducement of any gift. St. 1884, c. 277.

CHAPTER 209^a.

OF HABITUAL CRIMINALS.

Provision is made for the punishment of habitual criminals. St. 1887, c. 435.

CHAPTER 212.

OF SEARCH WARRANTS, REWARDS, ARRESTS, EXAMINATION, COMMITMENT, BAIL AND PROBATION.

Children under twelve, not accused of offences punishable by imprisonment for life nor truants, are not to be arrested until they neglect to appear on summons, nor to be committed in default of bail, nor on sentence. St. 1882, c. 127.

SECT. 2. Warrants may also issue to search for pool tickets or other materials unlawfully made, provided or procured for the purpose of buying or selling pools. St. 1885, c. 342, § 2.

SECTS. 2, 9. Gaming apparatus seized under § 2, cl. 7, is to be sold or disposed of under § 9. St. 1885, c. 66.

SECTS. 17, 20. Warrants and other criminal process may be directed to and served by any officer in any county. St. 1886, c. 247.

SECT. 26. The court or justice, on adjourning a trial or examination where the offence is punishable with death or imprisonment for life, may bind over the government witnesses according to sections 37-41 of this chapter: the fee is twenty cents. St. 1885, c. 136.

Where a trial justice adjourns an examination or trial and then fails to appear, another justice may complete the proceedings. The records are to be made up by the justice rendering the final decision. St. 1883, c. 175.

SECT. 51. The latter clause of this section, forbidding justices from receiving compensation for taking bail, is repealed. St. 1885, c. 135.

SECT. 68. The person ordered to recognize may deposit the money with any officer authorized to take his recognizance, instead of being restricted to the magistrate or clerk of the court ordering it. St. 1882, c. 134.

SECT. 78. Two additional probation officers may be appointed in Boston. The requirement that the officers be appointed in May is struck out. St. 1882, c. 125.

CHAPTER 213.

OF INDICTMENTS, PROSECUTIONS, AND PROCEEDINGS BEFORE TRIAL.

SECT. 17 is extended to prosecutions under rules of the civil service commissioners, of boards of health, and of boards of police or fire commissioners. St. 1885, c. 144.

The form of complaints and indictments on special statutes, ordinances and by-laws of cities and towns, orders of the mayor and aldermen or rules of any public board, is regulated. St. 1886, c. 53.

So for embezzlements from voluntary associations. St. 1886, c. 328, § 2.

CHAPTER 214.

OF TRIALS AND PROCEEDINGS BEFORE JUDGMENT.

SECT. 1. A list of criminal cases for trial is made compulsory, instead of discretionary with the court. St. 1884, c. 193.

CHAPTER 215.

OF JUDGMENT AND EXECUTION.

Convicts punishable by imprisonment in the house of correction may be sent to jail instead and those undergoing sentence may be removed from one to the other. St. 1882, c. 241.

Sentences to imprisonment for successive terms are allowed. St. 1884, c. 265.

SECT. 18. No child under twelve can be imprisoned except on charges punishable by imprisonment for life or for truancy, but must be committed to the custody of the state board of health. St. 1882, c. 127.

CHAPTER 218.

OF FUGITIVES FROM JUSTICE AND PARDONS.

SECT. 6. Expenses of requisitions are paid by the county unless the governor orders a part or all to be paid by the state. St. 1886, c. 267.

SECT. 14. Where the condition of a pardon is broken and the convict is remanded to serve out the residue of his sentence, if he is then serving another sentence, his confinement is to begin from the expiration of that. St. 1882, c. 197.

CHAPTER 219.

OF THE COMMISSIONERS OF PRISONS.

The commissioners may transfer prisoners, except those confined for capital crimes, to hospitals for surgical treatment. The time of their sentence runs while there. St. 1882, c. 207.

SECT. 3. The salary of the secretary of the commissioners of prisons is raised from \$2,000 to \$2,500. St. 1886, c. 275.

SECT. 4. They may remove prisoners from jails to houses of correction, and *vice versa*. St. 1882, c. 241.

They may transfer prisoners between the jails, from the Reformatory to the jails and houses of correction and back again. St. 1887, c. 375.

SECT. 6. Vagrants or tramps may also be removed to the state work-house under this section. St. 1885, c. 35, § 1.

SECT. 17. The number of prisoners who may be employed in certain occupations is limited. St. 1883, c. 217.

SECTS. 26-30. Aid is provided for female prisoners whose cases are disposed of without sentence. St. 1886, c. 177.

SECTS. 26, 27. The commissioners of prisons may employ two additional agents to aid discharged prisoners. These agents shall also obtain information for the commission in regard to prisoners. St. 1887, c. 315.

SECTS. 26 *et seq.* The commissioners may provide offices in Boston for the agents for aiding discharged prisoners. St. 1887, c. 336.

The commissioners of prisons may expend two thousand dollars more for the assistance of prisoners discharged from the Massachusetts reformatory. St. 1887, c. 295.

SECT. 34. The heads of police and others making arrests are required to make monthly reports. St. 1882, c. 226, § 2.

SECTS. 34, 35. The blanks for the returns of criminal business made by clerks of courts and other officers, under these sections, are furnished by the commissioners of prisons, who prescribe the form. St. 1882, c. 226, § 1.

SECT. 36, prescribing the form, is repealed. St. 1882, c. 226, § 3.

SECT. 39. The sum allowed for clerical assistance of the commissioners is increased from \$700 to \$1,700. St. 1885, c. 52.

CHAPTER 220.

OF JAILS AND HOUSES OF CORRECTION.

In every city of over thirty thousand inhabitants one or more police stations must be designated as stations for the detention of women, and police matrons must be appointed whose duties are defined. St. 1887, c. 234.

SECT. 2. The sheriff may remove prisoners at his discretion between jails and houses of correction. St. 1882, c. 211, § 2.

SECT. 36. The requirement of whitewashing is struck out. St. 1886, c. 226.

SECT. 40. The number of prisoners who may be employed in certain trades is limited. St. 1883, c. 217.

Contract labor in the prisons is forbidden. Labor in them is regulated. A general superintendent of prisons is to be appointed who shall have general charge of the labor in prisons. St. 1887, c. 447.

SECT. 49. Clerical errors corrected. St. 1882, c. 6, § 4.

SECT. 50. Escapes from officers who have taken prisoners to perform labor on any public land are made escapes from prisons and punished. St. 1882, c. 198.

SECTS. 66, 68. All the provisions as to persons released under section 68 are applied to section 66. St. 1884, c. 152, § 4.

SECT. 68. Any violation of permits to be at liberty issued to a prisoner of itself renders them void, and an order of arrest and recommitment may issue. The time during which he has been at liberty shall not be taken to be any part of the term of his sentence. St. 1884, c. 152, §§ 1, 2.

CHAPTER 221.

OF THE STATE PRISON AND REFORMATORY PRISON FOR WOMEN.

Contract labor is forbidden. Labor is regulated. A general superintendent of prisons is to be appointed who shall have charge of the labor. St. 1887, c. 447.

A reformatory for men is established. St. 1884, cc. 255, 331.

Sentences to the reformatory are not to be for any fixed time. In certain

stated cases the convict may be detained two years, and in all others five years. St. 1886, c. 323.

The prison commissioners may remove any person held under sentence at the state workhouse to the Massachusetts reformatory. The provisions of St. 1884, c. 255, apply to such removal. St. 1885, c. 35, § 2.

The commissioners of prisons may remove prisoners from the Massachusetts reformatory to the state farm for the remainder of their sentences, and the board of lunacy and charity then have the same authority over them that the commissioners would have had. St. 1887, c. 292.

Trial justices may sentence to the reformatory prison. St. 1885, c. 356.

Persons convicted of drunkenness and vagrancy under c. 207, §§ 27, 29, 42, may be sent to the reformatory prison. St. 1885, c. 365.

The illicit conveyance of articles to or from the Massachusetts reformatory is prohibited. St. 1887, c. 339.

SECT. 1. The state prison is removed from Concord to Boston. St. 1884, c. 255, § 1.

SECT. 6. The number of officers at the state prison is changed; the turnkeys are reduced from eleven to four; the watchmen increased from ten to twenty-three; the assistant watchmen shall not exceed twenty-three, instead of fifteen, and no additional watchmen can be employed. St. 1882, c. 203, § 1.

SECT. 8. The commissioners have no longer any part in the removal of the warden. St. 1882, c. 203, § 2.

Where there is a disagreement between the warden and commissioners as to the removal of an officer, the warden may appeal to the governor and council. St. 1887, c. 355.

SECT. 11. The compensation of officers, except the warden, chaplain and physician, is fixed by the warden, subject to the approval of the commissioners, but it may not exceed the maximum stated. Sts. 1882, c. 203, §§ 3, 4; 1884, c. 95.

SECT. 30. Instead of instruction in reading and writing for one hour, schools may be maintained for the prisoners. St. 1886, c. 197.

SECT. 43. A burial place for the reformatory prison at Sherborn may be purchased. St. 1882, c. 213.

Prisoners may be employed on land appurtenant to the prison. Escapes or attempts to escape from the prison, or the land adjacent to the prison, are punished, and the first district court of Southern Middlesex is given concurrent jurisdiction of such offence. St. 1885, c. 94.

Female convicts in the United States courts are confined at the reformatory prison for women. St. 1887, c. 426.

SECTS. 43-53. The duties of schoolmistress at the reformatory prison for women are transferred to the chaplain and the office is abolished. St. 1884, c. 43, §§ 1, 2.

SECT. 44. The office of treasurer and steward at the reformatory prison is abolished. St. 1883, c. 267.

SECT. 47. The salary of the deputy superintendent of the reformatory prison for women, now \$600, is to be fixed by the commissioners of prisons, but it shall not exceed \$800. St. 1884, c. 43, § 2.

The salary of the superintendent is raised from \$1,500 to \$2,000, and of the clerk from \$500 to \$800. St. 1887, c. 341.

SECT. 52. Any violation of a permit to be at liberty issued to a prisoner shall of itself make void said permit, and an order of arrest and recommitment may issue. The time during which he has been at liberty shall not be taken to be any part of the time of his sentence. St. 1884, c. 152, §§ 1, 2.

CHAPTER 222.

SPECIAL PROVISIONS CONCERNING PENAL AND OTHER PUBLIC INSTITUTIONS.

SECT. 10. Any prisoner confined in the Massachusetts reformatory who becomes insane, may be removed to one of the state lunatic hospitals, and on his recovery recommitted to the reformatory. St. 1885, c. 320.

SECT. 17. Where a poor convict has been confined three months for non-payment of fine or costs, if there is no police or district court in the county, the jailer shall make a report thereof to a trial justice, who shall have authority to hear the matter and discharge such convict. St. 1882, c. 201.

SECT. 20. Any violation of a permit to be at liberty issued to a prisoner shall of itself make void such permit, and an order of arrest and recommitment may issue. The time during which he has been at liberty shall not be taken to be any part of the time of his sentence. St. 1884, c. 152, § 3.

SECT. 20. This section providing for records of conduct and deductions from sentences does not apply to persons hereafter sentenced to the reformatory. St. 1886, c. 323, § 7.

SECT. 21. Recommitments are hereafter made by the board granting the permit, but warrants already issued may be served and the proceedings under them be completed according to the existing law. If the person is in prison, the order of remand takes effect from the expiration of his pending sentence. St. 1884, c. 152, § 3.



A TABLE

SHOWING

THE SUBJECTS OF LEGISLATION SINCE THE PUBLIC STATUTES, WITH REFERENCE TO THE CHAPTERS OF THE PUBLIC STATUTES.

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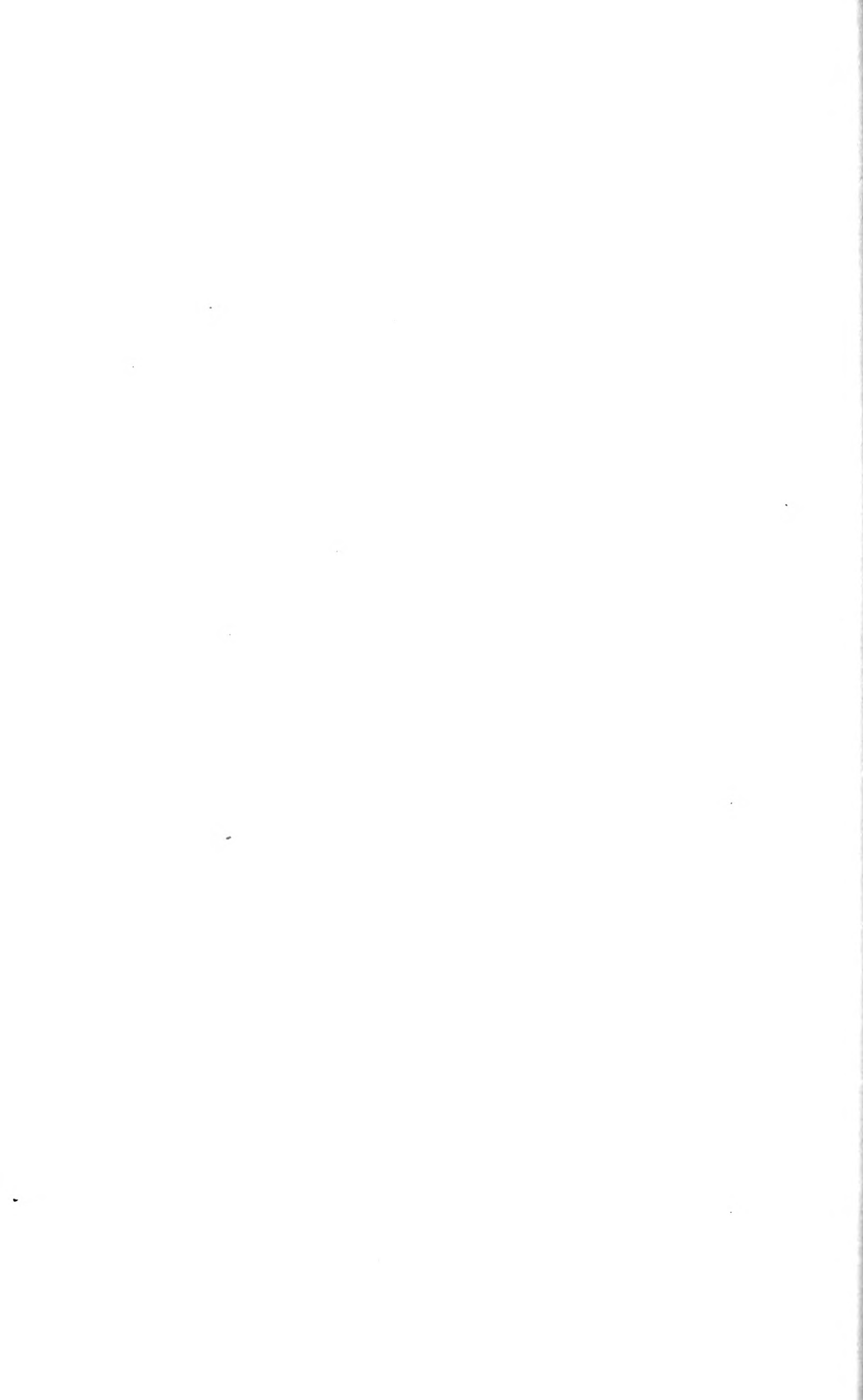
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