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Compliments of
R. F. Anderson,
New York.

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1889,

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

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. 8 Met. 102. 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 government; 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 indefeasible 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 rotation 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 definition of "inhabitant," see Ch. 1, Sect. 2, Art. 11. Right of protection 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. 505, 506.

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.

Taxation founded on consent. 16 Mass. 326. 1 Pick. 348. 7 Pick. 344. 12 Pick. 181, 467. 16 Pick. 87. 23 Pick. 399. 7 Met. 388. 4 Gray, 474. 7 Gray, 363. 14 Gray, 154. 1 Allen, 150. 4 Allen, 474. Private property not to be taken for public uses without, etc. 6 Cush. 327. 14 Gray, 153. 16 Gray, 417, 431.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52.
11 Allen, 539.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 423, 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.

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. 579, 573.
100 Mass. 287, 295.
103 Mass. 418.

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.

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

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.

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

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.

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
101 Mass. 136, 139.
126 Mass. 269, 273.

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.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

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

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, 247.

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.

Et 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-mar-
tial, 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 su-
preme judicial
court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 225.
Tenure of their
office.

Salaries.

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.

Separation of
executive, judi-
cial, and legis-
lative depart-
ments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.
116 Mass. 317.
120 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 whichever 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.
109 Mass. 544,
557.
116 Mass. 467,
479.

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, &c.
 12 Mass. 252.
 5 Allen, 428.
 6 Allen, 558.
 8 Allen, 247, 253.
 10 Allen, 235.
 14 Allen, 268.
 12 Allen, 77, 225,
 235, 236, 240, 298,
 300, 312, 313, 300,
 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, &c.
 8 Allen, 217, 256.
 Valuation of estates once in ten years, at least, while, &c.
 8 Allen, 247.
 126 Mass. 347.

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. II.

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.

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

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.

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

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.]

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.

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.

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.]

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.

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

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

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

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

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.

Senate not to adjourn more than two days.

shall choose its officers and establish its rules.

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.]

Governor to be commander-in-chief.

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.

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. 325.

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. 13 Allen, 593.

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 exer-
cise 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, treas-
urer, and re-
ceiver-general,
and auditor and
attorney gen-
eral, see amend-
ments Art.
XVII.

Treasurer in
eligible for more
than five suc-
cessive years.

as treasurer and receiver-general more than five years suc-
cessively.

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

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

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, ex-
cept, etc.
But may be
removed on
address.

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.

Justices of su-
preme judicial
court to give
opinions when
required.
122 Mass. 609,
126 Mass. 537,
561.

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.

Justices of the
peace; tenure
of their office.
3 Cush. 584.

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 expira-
tion of any commission, the same may, if necessary, be
renewed, or another person appointed, as shall most con-
duce to the well-being of the commonwealth.

Provisions for
holding probate
courts.
12 Gray, 147.

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, deviser or devisors.

Who shall be overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1895, 173.
1899, 63.

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 acceptance 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. IX

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. 11.

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. 354.

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.

Qualifications of voters for governor, lieutenant governor, senators and representatives.
11 Pick. 338, 340.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 203, 391, 394.
7 Gray. 290.
122 Mass. 595, 597.
124 Mass. 596.

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

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.

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.

[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.]

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.

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

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.

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:—

“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,

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.

Notaries public, how appointed and removed.

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

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

Militia officers, how removed.

Who may vote for captains and subalterns.

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

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 officers 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 governor, lieutenant-governor, etc., when to be held. This clause superseded by amendments, Art XV.

Article, when to go into operation.

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.

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

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.”

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

Inconsistent provisions annulled.

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

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.

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.

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

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.

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.

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.

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.

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.

Inconsistent provisions annulled.

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

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

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

Small towns, how represented.

Towns may unite into representative districts.

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.

ART. 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. III.

12 Allen, 503,
508.
103 Mass. 91, 96,

Legislature to
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8 Gray, 1.
13 Gray, 74.
119 Mass. 172,
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See P. S. c. 31.

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19 Gray, 613.

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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.

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

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.

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

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.

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

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.

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.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1889.

☞ The General Court of 1889 assembled on Wednesday, the second 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 third day of January, in the presence of the two Houses assembled in convention.

ACTS AND RESOLVES.

AN ACT MAKING AN APPROPRIATION TO PROVIDE FOR DEFICIENCIES
IN CURRENT EXPENSES AT THE WESTBOROUGH INSANE HOSPITAL FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-EIGHT. *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 sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of paying certain bills incurred in excess of the appropriation therefor during the year eighteen hundred and eighty-eight, at the Westborough insane hospital, to wit:— *Appropriation.*

For current expenses at the Westborough insane hospital, a sum not exceeding ten thousand dollars. *Westborough Insane Hospital.*

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

Approved January 16, 1889.

AN ACT TO INCORPORATE THE ALLERTON BUILDING COMPANY IN MARBLEHEAD. *Chap. 2*

Be it enacted, etc., as follows:

SECTION 1. Nathan P. Sanborn, Moses Gilbert, Jonathan H. Orne, Henry A. Potter, N. Allen Lindsey, Knott V. Martin, John O. Porter, Henry F. P. Wilkins, William D. T. Trefry and William D. Northend, 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 Allerton Building Company, with authority to purchase and hold land not exceeding one and one-half acres, within the district on which the buildings were destroyed in the late fire, in Marblehead in the county of Essex, and to erect and main- *Allerton Building Company incorporated.*

tain thereon buildings of brick or stone for manufacturing and business purposes, and with authority to lease, sell or mortgage any of said estate; subject to the provisions of chapters one hundred and five and one hundred and six of the Public Statutes and to all general laws which now are or may hereafter be in force relating to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of ten dollars each; and may be increased from time to time to an amount not exceeding two hundred thousand dollars.

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

Approved January 16, 1889.

Chap. 3

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.
- 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.
- Mileage. For mileage of representatives, a sum not exceeding two thousand five hundred dollars.
- Chaplains. For compensation of the chaplains of the senate and house of representatives, three hundred dollars each.
- Doorkeepers. For the salaries of the doorkeepers of the senate and house of representatives, fourteen hundred dollars each.
- Postmaster, messengers and pages. For compensation of the assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding twenty-three thousand one hundred dollars.
- Contingent expenses. 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.
- Summoning witnesses. For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars.

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

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

Approved January 28, 1889.

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

Chap. 4

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, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-nine, 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 such additional clerical assistance for the clerks of the senate and house of representatives as may be necessary for the despatch of public business, a sum not exceeding three thousand dollars. Additional clerical assistance.

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

For the salary of the clerk of the sergeant-at-arms, one thousand eight hundred dollars. Clerk.

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

For the salaries of the watchmen at the state house, one thousand dollars each. Watchmen.

For the salaries of the three 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 and council. For the compensation of the lieutenant governor, two thousand dollars, and for the executive council, six thousand four hundred dollars. For the travelling expenses of the executive council, a sum not exceeding five hundred 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 seven hundred dollars.
- Messenger. For the salary of the messenger of the governor and council, one thousand dollars.

SECRETARY'S DEPARTMENT.

- Secretary. For the salary of the secretary of the Commonwealth, three thousand five hundred 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 five hundred dollars.
- Extra clerks and messenger. 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.

For the salary of the paying teller in the treasurer's department, one thousand two hundred dollars. Paying teller.

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, three thousand dollars. Deputy tax commissioner.

For the salary of the first clerk in the office of the deputy tax commissioner, two thousand dollars. First clerk.

For the salary of the second clerk in the office of the deputy tax commissioner, one thousand five hundred dollars. Second clerk.

For such additional clerical assistance as the deputy tax commissioner and commissioner of corporations may find necessary for the despatch of public business, a sum not exceeding fourteen 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 seven hundred dollars. Second clerk.

For the salaries of the three 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 the second assistant attorney-general, one thousand dollars. Second assistant.

COMMISSIONERS AND OTHERS.

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

For the salary of the first clerk of the commissioners of savings banks, one thousand five hundred dollars; for First and second clerks.

	the salary of the second clerk of said commissioners, nine hundred dollars.
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 clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding nine thousand eight hundred and twenty dollars.
Inspectors 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 two thousand five hundred dollars.
Agents.	For salaries of agents to the commissioners of prisons, two thousand four hundred dollars.
Agent for discharged female prisoners.	For the salary of the agent for aiding discharged female prisoners, a sum not exceeding seven hundred and seventy-five 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 two hundred 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 eight hundred dollars.
Second clerk.	For the salary of the second clerk in the bureau of statistics of labor, one thousand five hundred dollars.

For such additional assistance, and for such expenses of the bureau of statistics of labor as may be necessary, a sum not exceeding five thousand dollars.

Additional assistance and expenses.

For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding six thousand five hundred dollars.

Statistics of manufactures.

For the salary of the third commissioner on state aid, one thousand eight hundred dollars.

Commissioner on state aid.

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

Clerical assistance and expenses.

For 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 five 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.

For the salary of the controller of county accounts, two thousand five hundred dollars; and for the salaries of the clerks of the controller of county accounts, three thousand dollars.

Controller of county accounts.

For the salaries of the members of the state board of arbitration, six thousand dollars; and for the salary of the clerk of said board, a sum not exceeding nine hundred dollars.

Board of arbitration.

For the compensation of the armory commissioners, six thousand five hundred dollars.

Armory commissioners.

For the salary of the state pension agent, two thousand dollars.

State pension agent.

AGRICULTURAL DEPARTMENT.

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

Secretary, board of agriculture.

For the salary of the clerk of the secretary of the state board of agriculture, one thousand two hundred dollars.

Clerk.

Clerical assistance.
Lectures.

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

EDUCATIONAL DEPARTMENT.

Secretary,
board of
education.

For the salary and expenses of the secretary of the state 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.

Assistant
librarian
and clerk.

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

Clerical
assistance.

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

Purchase of
books.

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

MILITARY DEPARTMENT.

Adjutant-
general.

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

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 cler-
ical assistance.
Employees at
state 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.

Secretary,
board of
health.

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

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

For extra clerical assistance in the department of the secretary of the Commonwealth during the year eighteen hundred and eighty-eight, one hundred and ninety-one dollars and sixty-seven cents. Extra clerks.

SECTION 2. This act shall take effect upon its passage.
Approved January 29, 1889.

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

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-nine, to wit: — Appropriations.

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

For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding twenty-five hundred dollars. Pamphlet 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 thirty-five hundred dollars. "Blue book" edition of acts and resolves.

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

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

For assessors' books and blanks furnished cities and towns by the secretary of the Commonwealth, a sum not exceeding two thousand dollars. Assessors' books and blanks.

For registration books and blanks, indexing returns, and editing the registration report, a sum not exceeding two thousand dollars. Registration.

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-two thousand dollars.

Tables and indexes.

For preparation of tables and indexes relating to the statutes of the present year and previous 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-four thousand five hundred dollars.

Printing and distributing ballots.

For printing and distributing ballots, as provided for in chapter four hundred and thirty-six of the acts of the year eighteen hundred and eighty-eight, a sum not exceeding fifteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.
Approved January 30, 1889.

Chap. 6

AN ACT MAKING APPROPRIATIONS FOR CERTAIN ALLOWANCES AUTHORIZED BY THE LEGISLATURE AND FOR CERTAIN OTHER EXPENSES PROVIDED FOR 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, to provide for certain yearly allowances authorized by the legislature, and to provide for expenses for certain public buildings, to wit:—

Wrecks, etc., in tide-waters.

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

Agricultural experimental 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.

School for the feeble-minded.

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

⁴ School for the blind.

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

School superintendents.

To enable small towns to provide themselves with school superintendents, a sum not exceeding twelve thousand five hundred dollars.

For the erection of new buildings at the state farm at Bridgewater, a sum not exceeding thirty thousand dollars, being in addition to the amount authorized by the appropriation of the year eighteen hundred and eighty-eight for the same purpose.

State farm at
Bridgewater.

For the Massachusetts institute of technology, the sum of fifty thousand dollars.

Institute of
technology.

For the erection of buildings in the city of Waltham for the use of the Massachusetts school for the feeble-minded, a sum not exceeding seventy-five thousand dollars, being in addition to the sum appropriated by chapter four hundred and forty-three of the acts of the year eighteen hundred and eighty-eight.

Buildings in
Waltham for
school for the
feeble-minded.

For a new school building at the state normal school at Framingham, a sum not exceeding fifty-four thousand seven hundred fifty-three dollars and fifty-seven cents, being in addition to the amount appropriated by chapter four hundred and forty-three of the acts of the year eighteen hundred and eighty-eight.

Normal school
at Framingham.

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, etc.

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

Approved January 30, 1889.

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

Chap. 7

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-nine, to wit:—

Appropriations.

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court, three thousand dollars.

Supreme
judicial court,
clerk.

For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.

Reporter.

For the salaries of the officers and messenger of the supreme judicial court, sixteen hundred dollars.

Officers and
messenger.

Clerk for Suffolk.	For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.
Expenses.	For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

SUPERIOR COURT.

Superior court, — chief justice.	For the salary of the chief justice of the superior court, six thousand dollars.
Associate justices.	For the salaries of the thirteen associate justices of the superior court, seventy-one thousand five hundred dollars.

COURTS OF PROBATE AND INSOLVENCY.

Judges, probate and insolvency, — Suffolk.	For the salary of the judge of probate and insolvency for the county of Suffolk, five thousand dollars.
Middlesex.	For the salary of the judge of probate and insolvency for the county of Middlesex, three thousand five hundred dollars.
Worcester.	For the salary of the judge of probate and insolvency for the county of Worcester, three thousand dollars.
Essex.	For the salary of the judge of probate and insolvency for the county of Essex, three thousand five hundred dollars.
Norfolk.	For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-five hundred dollars.
Bristol.	For the salary of the judge of probate and insolvency for the county of Bristol, two thousand dollars.
Plymouth.	For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars.
Berkshire.	For the salary of the judge of probate and insolvency for the county of Berkshire, sixteen hundred dollars.
Hampden.	For the salary of the judge of probate and insolvency for the county of Hampden, twenty-five hundred dollars.
Hampshire.	For the salary of the judge of probate and insolvency for the county of Hampshire, fourteen hundred dollars.
Franklin.	For the salary of the judge of probate and insolvency for the county of Franklin, fourteen hundred dollars.
Barnstable.	For the salary of the judge of probate and insolvency for the county of Barnstable, twelve hundred dollars.
Nantucket.	For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.
Dukes county.	For the salary of the judge of probate and insolvency for the county of Dukes county, six hundred dollars.

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.

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

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

For the salary of the register of probate and insolvency for the county of Norfolk, fifteen hundred dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Bristol, eighteen hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, fifteen hundred dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampden, eighteen hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Berkshire, sixteen hundred dollars. Berkshire.

For the salary of the register of probate and insolvency for the county of Hampshire, fourteen hundred dollars. Hampshire.

For the salary of the register of probate and insolvency for the county of Franklin, fourteen hundred dollars. Franklin.

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

For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars. Nantucket.

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

For the salary of the assistant register of probate and insolvency for the county of Suffolk, two thousand dollars. Assistant registers, — Suffolk.

For the salary of the assistant register of probate and insolvency for the county of Middlesex, eighteen hundred dollars. Middlesex.

For the salary of the assistant register of probate and insolvency for the county of Worcester, eighteen hundred dollars. Worcester.

For the salary of the assistant register of probate and insolvency for the county of Essex, eighteen hundred dollars. Essex.

For the salary of the assistant register of probate and insolvency for the county of Norfolk, eleven hundred dollars. Norfolk.

Clerk,— Suffolk.	For the salary of the clerk to the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.
Clerical assistance,— Suffolk.	For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, fifteen hundred dollars.
Middlesex.	For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding fifteen hundred dollars.
Essex.	For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding one thousand dollars.
Worcester.	For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding eight hundred dollars.
Extra clerical assistance in the several counties.	For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, a sum not exceeding sixty-four hundred dollars.
Expenses.	For expenses of courts of probate and insolvency, a sum not exceeding two thousand dollars.

DISTRICT ATTORNEYS.

District attorney,— Suffolk.	For the salary of the district attorney for Suffolk district, five thousand dollars.
First assistant.	For the salary of the first assistant district attorney for Suffolk district, twenty-eight hundred dollars.
Second assistant.	For the salary of the second assistant district attorney for Suffolk district, twenty-five hundred dollars.
Clerk.	For the salary of the clerk for the district attorney for Suffolk district, twelve hundred dollars.
District attorney,— northern district.	For the salary of the district attorney for the northern district, twenty-four hundred dollars.
Eastern district.	For the salary of the district attorney for the eastern district, twenty-four hundred dollars.
South-eastern district.	For the salary of the district attorney for the south-eastern district, twenty-one hundred dollars.
Southern district.	For the salary of the district attorney for the southern district, eighteen hundred dollars.
Middle district.	For the salary of the district attorney for the middle district, twenty-one hundred dollars.
Western district.	For the salary of the district attorney for the western district, twenty-one hundred dollars.

For the salary of the district attorney for the north-western district, thirteen hundred and fifty dollars. North-western district.

SECTION 2. This act shall take effect upon its passage.
Approved February 1, 1889.

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. 8

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-nine, to wit: — Appropriations.

For compensation of officers and men of the volunteer militia, a sum not exceeding one hundred thousand dollars. Militia, — compensation.

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

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

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

For quartermasters' supplies, a sum not exceeding twelve thousand dollars. Quartermasters' supplies.

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

For grading and care of the camp ground of the Commonwealth at Framingham, a sum not exceeding one thousand dollars. Camp ground.

For military accounts in connection with the volunteer militia, not otherwise provided for, a sum not exceeding four thousand five hundred dollars. Military accounts.

For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars. Medical supplies.

For incidental and contingent expenses of the surgeon-general, a sum not exceeding five hundred dollars. Incidental expenses.

For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding two thousand dollars. Record of sailors and marines.

Disposition of
proceeds of sale
of grass at
camp ground.

Any sums of money received under the provisions of section eighty-seven of chapter four-hundred and eleven of the acts of the year eighteen hundred and eighty-seven, and from the sale of grass at the state camp ground during the year eighteen hundred and eighty-nine, may be expended by the quartermaster-general during the present year, under the direction of the governor and council, for the construction and repair of buildings or other structures.

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

Approved February 1, 1889.

Chap. 9

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES.

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, except as herein provided, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-nine, to wit : —

State normal schools.

For the support of state normal schools, a sum not exceeding seventy-three thousand thirty-nine dollars and fifty cents, to be paid out 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.

State normal art school.

For the support of the state normal art school, a sum not exceeding sixteen thousand dollars, to be paid out 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.

Teachers' institutes.

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

County teachers' associations.

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

Massachusetts teachers' association.

For the Massachusetts teachers' association, the sum of three hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to

educational purposes, subject to the approval of the state board of education.

For salaries and expenses of the agents of the state board of education, a sum not exceeding thirteen thousand seven hundred and fifty dollars.

Board of education, — salaries, etc., of agents.

For incidental expenses of the state board of education, and of the secretary thereof, a sum not exceeding twelve hundred dollars.

Incidental expenses.

For the Dukes county teachers' association, the sum of fifty dollars.

Dukes county teachers' association.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual payments, to be expended under the direction of the state board of education.

Pupils in state normal schools.

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

Travelling expenses of board.

For the education of the deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding thirty-two thousand dollars.

Deaf pupils.

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.

Contingent expenses of library.

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.

Rogers book fund and Todd normal school fund.

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

Approved February 4, 1889.

AN ACT TO AUTHORIZE THE NEW ENGLAND SHOE AND LEATHER ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 10

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter twelve of the acts of the year eighteen hundred seventy-one is hereby amended to read as follows:—The New England Shoe and Leather Association may hold real and personal estate to an amount not exceeding five hundred thousand dollars, and the income thereof shall be devoted exclusively to the purposes of said corporation.

May hold additional real and personal estate.

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

Approved February 4, 1889.

Chap. 11 AN ACT PROVIDING FOR A SECOND ASSISTANT CLERK OF THE COURTS FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Second assistant clerk of the courts for Middlesex.

SECTION 1. The justices of the supreme judicial court, or a majority of them, shall appoint a second assistant clerk of the courts for the county of Middlesex, who shall hold his office and be subject to all the provisions of law concerning assistant clerks of courts, and receive an annual salary of two thousand dollars, to be paid by said county.

SECTION 2. This act shall take effect upon its passage.
Approved February 4, 1889.

Chap. 12 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE FIRST DISTRICT COURT OF SOUTHERN MIDDLESEX.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The salary of the justice of the first district court of southern Middlesex shall be fifteen hundred dollars per annum, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

SECTION 2. This act shall take effect upon its passage.
Approved February 4, 1889.

Chap. 13 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS AT WESTBOROUGH.

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 Lyman school for boys at Westborough, for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-nine, to wit:—

Lyman school for boys at Westborough.

For the payment of salaries, wages and labor at the Lyman school for boys at Westborough, a sum not exceeding fifteen thousand dollars; and for other current expenses of said institution, a sum not exceeding twenty-two thousand three hundred dollars.

SECTION 2. This act shall take effect upon its passage.
Approved February 4, 1889.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 14*
AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriation.
propriated, to be paid out of the treasury of the Com-
monwealth, from the ordinary revenue, for the purposes
specified, to meet expenses at the state industrial school
for girls at Lancaster, for the year ending on the thirty-
first day of December in the year eighteen hundred and
eighty-nine, to wit:—

For the payment of salaries, wages and labor at the State industrial
state industrial school for girls at Lancaster, a sum not school for girls
exceeding seventy-three hundred dollars; and for other at Lancaster.
current expenses at said institution, a sum not exceeding
eleven thousand four hundred dollars.

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

Approved February 4, 1889.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 15*
AT THE STATE PRIMARY SCHOOL AT MONSON.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriation.
propriated, to be paid out of the treasury of the Com-
monwealth, from the ordinary revenue, for the payment
of salaries and expenses at the state primary school at
Monson, for the year ending on the thirty-first day of
December in the year eighteen hundred and eighty-nine,
to wit:—

For the payment of salaries, wages and labor at the State primary
state primary school at Monson, a sum not exceeding school at
seventeen thousand dollars; and for current expenses at Monson.
said institution, a sum not exceeding thirty-three thou-
sand dollars; and for boarding out children, a sum not
exceeding five thousand dollars.

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

Approved February 4, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF THE *Chap. 16*
COUNTY OF BRISTOL.

Be it enacted, etc., as follows:

SECTION 1. The salary of the treasurer of the county Salary
of Bristol shall be eighteen hundred dollars a year, to be established.

so allowed from the first day of January in the year eighteen hundred and eighty-nine.

SECTION 2. This act shall take effect upon its passage.
Approved February 4, 1889.

Chap. 17 AN ACT TO AUTHORIZE THE BOSTON CHILDREN'S FRIEND SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows :

May hold additional real and personal estate.

SECTION 1. The Boston Children's Friend Society is hereby authorized to hold real and personal estate to an amount not exceeding one hundred thousand dollars in addition to the amount authorized by chapter sixty-six of the acts of the year one thousand eight hundred and thirty-four, and chapter one hundred and thirty-six of the acts of the year one thousand eight hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.
Approved February 4, 1889.

Chap. 18 AN ACT MAKING APPROPRIATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT RELATING TO THE EMPLOYMENT OF PRISONERS IN THE PRISONS OF THE COMMONWEALTH.

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 purpose of carrying out the provisions of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven, relating to the employment of prisoners in the various prisons of the Commonwealth during the year eighteen hundred and eighty-nine, to wit :—

General superintendent of prisons.

For the compensation of the general superintendent of prisons, thirty-five hundred dollars.

Clerical assistance.

For clerical assistance to the general superintendent of prisons, a sum not exceeding eight hundred dollars.

Incidental and contingent expenses.

For incidental and contingent expenses of the general superintendent of prisons, to include rent of office, a sum not exceeding fifteen hundred dollars.

Travelling expenses.

For travelling expenses of the general superintendent of prisons, a sum not exceeding six hundred dollars.

Industries at state prison.

For maintaining industries at the state prison at Boston, a sum not exceeding two hundred and fifty thousand dollars.

For maintaining industries at the Massachusetts reformatory, a sum not exceeding fifty thousand dollars.

Industries at Massachusetts reformatory.

For maintaining industries at the reformatory prison for women, a sum not exceeding twenty thousand dollars.

Reformatory prison for women.

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

Approved February 4, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF MARLBOROUGH. Chap. 19

Be it enacted, etc., as follows :

SECTION 1. The annual salary of the clerk of the police court of Marlborough shall be five hundred dollars from the first day of January in the year eighteen hundred and eighty-nine.

Salary established.

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

Approved February 5, 1889.

AN ACT TO AUTHORIZE THE LENOX CLUB OF LENOX TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap. 20

Be it enacted, etc., as follows :

SECTION 1. The Lenox Club of Lenox is hereby authorized to hold real and personal estate to an amount not exceeding seventy-five thousand dollars, in addition to the amount authorized by chapter fifteen of the acts of the year eighteen hundred and seventy-four.

May hold additional real and personal estate.

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

Approved February 5, 1889.

AN ACT TO AUTHORIZE TOWNS TO CELEBRATE THE TWO HUNDRED AND FIFTIETH ANNIVERSARIES OF THEIR INCORPORATION. Chap. 21

Be it enacted, etc., as follows :

SECTION 1. Section eleven of chapter twenty-seven of the Public Statutes is hereby amended by adding after the word "centennial" in the fourth line thereof the words : — or two hundred and fiftieth, — so that the same as amended will read as follows : — A town may at its annual meeting raise by taxation a sum of money, not exceeding one-tenth of one per cent. of its assessed valuation for the year last preceding, for the purpose of celebrating any centennial or two hundred and fiftieth anniversary of its incorporation, and of publishing the proceedings of any such celebration.

Towns may raise money by taxation for celebration of two hundred and fiftieth anniversary.

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

Approved February 7, 1889.

Chap. 22 AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-EIGHT.

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 certain expenses in excess of appropriations therefor, in the year eighteen hundred and eighty-eight, to wit: —
- State board of agriculture. For incidental expenses of the state board of agriculture, sixty-six dollars and ninety-one cents.
- Lyman school for boys. For current expenses at the Lyman school for boys, fifty-six dollars and twenty-eight cents.
- Insurance commissioner. For incidental expenses in the department of the insurance commissioner, two hundred and eighty-one dollars and nineteen cents.
- State pension agent. For incidental expenses of the state pension agent, three hundred and thirty-seven dollars.
- Prisoners removed from reformatory prison for women. For the board of prisoners removed from the reformatory prison for women, two hundred and eighteen dollars and thirteen cents.
- Agent for discharged female prisoners. For expenses of the agent for aiding discharged female prisoners, fifty dollars and thirty-four cents.
- Commissioners of prisons. For contingent expenses of the commissioners of prisons, one hundred and fifty-four dollars and seventy-four cents.
- Railroad commissioners. For contingent expenses of the railroad commissioners, one thousand and forty-four dollars and fifty-six cents.
- Digest of railroad laws. For the publication of a digest of railroad laws, one hundred and thirty-three dollars and sixty-two cents.
- Decennial census. For expenses in connection with taking the decennial census, thirteen hundred and thirty-six dollars and ninety-two cents.
- Blue book edition of laws. For printing and binding the blue book edition of the acts and resolves, four hundred and nine dollars and twelve cents.
- Volunteer militia. For compensation of officers and men of the volunteer militia, fifteen hundred and twenty-seven dollars and thirty-two cents.
- State normal school at Worcester. For expenses in connection with the state normal school at Worcester, seven hundred and twenty-nine dollars and seventy-six cents.
- State almshouse at Tewksbury. For current expenses at the state almshouse at Tewks-

bury, eight thousand six hundred and fifty-nine dollars and fifty-eight cents.

SECTION 2. This act shall take effect upon its passage.
Approved February 11, 1889.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES. *Chap. 23*

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 Common-
wealth, 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-nine, to wit: —

STATE BOARD OF LUNACY AND CHARITY.

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

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

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

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

For salaries and expenses in the department of the Inspector.
inspector of institutions, a sum not exceeding ten thou-
sand dollars.

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

MISCELLANEOUS CHARITABLE EXPENSES.

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

For the transportation of state paupers, a sum not ex- Transportation
ceeding fifteen thousand dollars. of state paupers.

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

- Settlement and bastardy. For expenses attending the management of cases of settlement and bastardy, a sum not exceeding one thousand dollars.
- Indigent and neglected children. For the care and maintenance of indigent and neglected children and juvenile offenders, a sum not exceeding fifteen thousand dollars.
- Infant asylums. For the reimbursement of infant asylums for the support of infants having no known settlement in this Commonwealth for the present and previous years, a sum not exceeding sixty-five hundred 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 seventy-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 fourteen thousand dollars.
- Outside foundlings. For the support and transportation of outside foundlings, a sum not exceeding ten thousand dollars.
- Paupers in school for the 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 three thousand dollars, which is made applicable for the payment of claims for the present and previous years.
- Medical examinations and inquests. For expenses incurred in connection with medical examinations and inquests, a sum not exceeding thirty-five hundred dollars.
- Johonnot annuities. For annuities due from the Commonwealth incurred by the acceptance of the bequest of the late Martha Jhonnot, a sum not exceeding eight hundred dollars.
- Annuities to soldiers and others. For annuities to soldiers and others, authorized by the legislature, a sum not exceeding thirty-two hundred and fifty-six dollars.
- Pensions. For pensions, a sum not exceeding five hundred and twenty dollars.

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

Approved February 14, 1889.

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. 24

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-nine, to wit :—

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

Appropriations.

State prison, salaries and expenses.

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

Massachusetts reformatory, salaries and expenses.

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

Reformatory prison for women, — salaries and wages.

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 eight hundred dollars.

Massachusetts reformatory, — removing prisoners.

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

Support of prisoners removed.

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

Board of prisoners.

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

Aid to convicts discharged from the state prison.

Aid to discharged female convicts.

For expenses of the agent for aiding discharged female convicts discharged from the prisons of the Commonwealth, to include assistance rendered to said convicts, a sum not exceeding three thousand dollars.

Prisoners discharged from Massachusetts reformatory. Commissioners of prisons.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five thousand dollars.

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

Travelling expenses.

For travelling expenses of the commissioners of prisons, and of the secretary and agents of said commissioners, a sum not exceeding two thousand dollars.

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, 1889.

Chap. 25 AN ACT IN FURTHER ADDITION TO AN ACT RELATING TO THE MYSTIC RIVER CORPORATION.

Be it enacted, etc., as follows:

Time for completion of works extended.

SECTION 1. The time within which the Boston and Lowell Railroad Corporation and the Boston and Maine Railroad, or either of them, as successors to the franchises and property of the Mystic River Corporation, may complete the works and improvements authorized and required by the several acts relating to the last named corporation, is hereby extended to the first day of March in the year eighteen hundred and ninety-one.

SECTION 2. This act shall take effect upon its passage.
Approved February 14, 1889.

Chap. 26 AN ACT TO INCORPORATE THE NEW BEDFORD REAL ESTATE ASSOCIATION.

Be it enacted, etc., as follows:

New Bedford Real Estate Association of New Bedford, incorporated.

SECTION 1. George F. Kingman, J. Arthur Beauvais, Frank R. Hadley and Edward S. Brown, 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 New Bedford Real Estate Association of New Bedford, subject to the provisions of chapter one hundred and five of the Public Statutes and to all general corporation laws which now are or hereafter may be in force relating to such corporations, and shall have

the powers and be subject to the liabilities and restrictions prescribed therein.

SECTION 2. The said corporation shall have power to purchase, hold, sell, mortgage, let and lease real estate in the county of Bristol, and to improve the same by the erection of dwelling houses, stores and other buildings thereon, or otherwise, as may be expedient.

May purchase, sell, etc., real estate in county of Bristol.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each: *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 4. The said corporation may from time to time increase its capital stock in amounts not to exceed in the aggregate the further sum of two hundred and fifty thousand dollars: *provided*, that no shares in such increased capital stock shall be issued for a less sum to be actually paid in on each share, in cash or property, than the par value thereof, which shall not be less than one hundred dollars, the value of said property to be determined as aforesaid; and *also provided*, that a certificate, stating the amount of any such increase, shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

May increase capital stock.

Certificate of increase to be filed with secretary of the Commonwealth.

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

Approved February 14, 1889.

AN ACT CEDING TO THE UNITED STATES JURISDICTION OVER A PART OF GALLOP'S ISLAND IN BOSTON HARBOR.

Chap. 27

Be it enacted, etc., as follows:

SECTION 1. Jurisdiction is hereby granted and ceded to the United States over so much of Gallop's island in Boston harbor as may be required for the construction and protection of the sea-walls to be erected for the security of Boston harbor.

Jurisdiction granted to United States.

SECTION 2. The United States government is hereby authorized to occupy and fill such flats belonging to the Commonwealth, and to place in or over tide-water such structures as may be necessary for the purposes for which the premises over which jurisdiction is ceded in section one are to be used, and upon such terms and conditions

United States may hold flats and build structures.

as shall be prescribed by the harbor and land commissioners.

Plan to be filed with secretary of the Commonwealth.

SECTION 3. This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, be deposited in the office of the secretary of this Commonwealth within one year from the passage of this act.

Commonwealth to retain concurrent jurisdiction.

SECTION 4. The Commonwealth shall retain concurrent jurisdiction with the United States in and over the premises aforesaid, so far as that all civil and criminal processes issuing under the authority of this Commonwealth may be executed on said premises and in any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and exclusive jurisdiction shall revert to and revest in the Commonwealth of Massachusetts when the said premises shall cease to be used for the sole purpose hereinbefore declared.

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

Approved February 14, 1889.

Chap. 28 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF SPRINGFIELD.

Be it enacted, etc., as follows:

Salary of clerk.

SECTION 1. The salary of the clerk of the police court of Springfield shall be fourteen hundred dollars a year, to be so allowed from the first day of January in the year one thousand eight hundred and eighty-nine.

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

Approved February 14, 1889.

Chap. 29 AN ACT TO AUTHORIZE THE NORTHAMPTON STREET RAILWAY COMPANY TO ISSUE BONDS AND MORTGAGE ITS PROPERTY TO SECURE THE PAYMENT THEREOF.

Be it enacted, etc., as follows:

May issue bonds and secure payment by a mortgage of property.

SECTION 1. The Northampton Street Railway Company from time to time, by vote of the majority in interest of its stockholders, may issue coupon or registered bonds to an amount not exceeding twenty-five thousand dollars, bearing interest at a rate not exceeding six per centum per annum, for a term not exceeding twenty years from the date thereof; and to secure payment thereof with interest thereon, the said company may make a mortgage of its road and franchise, and any part

of its other property, and may include in such mortgage personal 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 said 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 issued shall first be approved by some person appointed by the company 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, 1889.

AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS OF THE COUNTY OF HAMPDEN.

Chap. 30

Be it enacted, etc., as follows:

SECTION 1. The salaries of the county commissioners of the county of Hampden shall be twenty-five hundred dollars per annum, beginning with the first day of January in the year eighteen hundred and eighty-nine.

Salaries established.

SECTION 2. This act shall take effect upon its passage.
Approved February 14, 1889.

AN ACT TO AUTHORIZE THE BROCKTON AGRICULTURAL SOCIETY IN BROCKTON TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 31

Be it enacted, etc., as follows:

SECTION 1. The Brockton Agricultural Society in Brockton is authorized to hold real and personal estate to an amount not exceeding forty thousand dollars in value, in addition to the real and personal estate which said society may hold under the authority of section eighteen of chapter one hundred and fourteen of the Public Statutes, and for the same purposes provided for in said section.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.
Approved February 14, 1889.

AN ACT PROVIDING FOR THE PRINTING AND DISTRIBUTION OF ADDITIONAL COPIES OF THE MANUAL FOR THE GENERAL COURT.

Chap. 32

Be it enacted, etc., as follows:

SECTION 1. There shall be printed, in addition to the number already authorized by law, twelve hundred copies

Manual for the general court.

Distribution. of the manual for the general court, to be distributed as follows : — four copies to each member of the legislature, and the balance under the direction of the clerks of the two branches.

SECTION 2. This act shall take effect upon its passage.
Approved February 14, 1889.

Chap. 33 AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL, CONTINGENT AND MISCELLANEOUS EXPENSES OF THE VARIOUS DEPARTMENTS AND COMMISSIONS OF THE COMMONWEALTH.

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-nine, to wit : —

LEGISLATIVE DEPARTMENT.

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

House of For stationery for the house of representatives, purchased by the clerk, a sum not exceeding sixteen hundred representatives. dollars.

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

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

EXECUTIVE DEPARTMENT.

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

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

Contingent For contingent expenses of the governor and council, a expenses. sum not exceeding two thousand dollars.

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

STATE HOUSE EXPENSES, ETC.

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

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

For repairs, improvements, furniture and other necessary expenses at the Commonwealth building, a sum not exceeding five thousand dollars. Commonwealth building, repairs, etc.

For repairs, improvements, furniture, rent and other necessary expenses at house number thirteen Beacon street, a sum not exceeding eight thousand dollars. Beacon street, number thirteen.

For rent of rooms for the use of the civil service commissioners, a sum not exceeding eight hundred dollars. Civil service commissioners.

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. Bureau of statistics of labor, — rent.

For contingent expenses of the bureau of statistics of labor, to be expended under the direction of the sergeant-at-arms, a sum not exceeding five hundred dollars. Contingent expenses.

For rent of rooms for the use of the controller of county accounts, a sum not to exceed seven hundred and fifty dollars. Controller of county accounts, — rent.

For expenses of running the elevators at the state house, a sum not exceeding three thousand dollars, the same to include all necessary repairs to said elevators. Expenses of running elevators.

INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses in the department of the secretary of the Commonwealth, a sum not exceeding three thousand dollars. Incidental expenses, — secretary.

For incidental and contingent expenses in the department of the treasurer and receiver-general, a sum not exceeding thirty-two hundred and fifty dollars. Treasurer.

For incidental and contingent expenses of the tax commissioner's department, a sum not exceeding three thousand dollars. Tax commissioner.

For expenses of the state valuation, under the direction of the deputy tax commissioner, a sum not exceeding three thousand dollars. Deputy tax commissioner.

For incidental expenses of the commissioner of corporations, a sum not exceeding four hundred dollars. Commissioner of corporations.

For incidental expenses in the department of the auditor of the Commonwealth, a sum not exceeding fifteen hundred dollars. Auditor.

For incidental expenses of the attorney-general, a sum not exceeding seventeen hundred and fifty-nine dollars; and for expenses of civil actions, a sum not exceeding three hundred dollars. Attorney-general.

COMMISSIONERS, AND OTHERS.

- 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.
- Incidental and contingent expenses. For incidental and contingent office expenses of the harbor and land commissioners, a sum not exceeding five hundred dollars.
- Insurance commissioner. For incidental expenses of the department of the insurance commissioner, a sum not exceeding three thousand dollars.
- Railroad commissioners. 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 seven thousand eight hundred and fifty dollars.
- Commissioners of savings banks. For travelling and incidental expenses of the commissioners of savings banks, a sum not exceeding two thousand dollars.
- Inspectors of gas meters. For travelling and incidental expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred and fifty dollars; and for furnishing such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred and fifty dollars.
- Civil service commissioners. For compensation and expenses of the civil service commissioners, a sum not exceeding twenty-five hundred dollars.
- Clerical services, etc. For clerical services, examination expenses, printing, advertising, travelling and incidental expenses of the civil service commissioners and chief examiner, a sum not exceeding seven thousand dollars.
- Commissioners on inland fisheries. For compensation and expenses of the commissioners on inland fisheries and game, a sum not exceeding seven thousand seven hundred dollars.
- Controller of county accounts. For travelling and office expenses of the controller of county accounts, a sum not exceeding two thousand dollars.
- Board of arbitration. For travelling, incidental and contingent expenses of the state board of arbitration, a sum not exceeding twenty-one hundred dollars.
- Board of health. For travelling and general expenses of the state board of health, a sum not exceeding sixty-eight hundred dollars.
- Bureau of statistics of labor. For the payment of rent of rooms in Ticknor building, for the use of the bureau of statistics of labor for storage purposes, a sum not exceeding five hundred dollars.

AGRICULTURAL.

For bounties to agricultural societies, nineteen thousand eight hundred dollars. Agricultural societies, bounties.

For travelling and necessary expenses of the state board of agriculture, a sum not exceeding nineteen hundred dollars. Expenses of board.

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

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

For the dissemination of useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding twelve hundred dollars. Lectures.

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

EXPENSES RESULTING FROM THE WAR OF THE REBELLION.

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 ninety thousand dollars; the same to be paid on or before the first day of December of the present year. State and military aid to volunteers, etc.

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. Expenses.

For clerical assistance, travelling expenses, rent, care of rooms and other necessary expenses of the state pension agent, a sum not exceeding thirty-two hundred and thirty-five dollars. Clerical assistance, etc.

MISCELLANEOUS.

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

To carry out the provisions of the act relative to the payment from the treasury of the Commonwealth of funds received from public administrators, a sum not exceeding four thousand dollars. Public administrators.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen Roads in Mashpee.

hundred and eighty-eight, the sum of three hundred dollars.

Weights and
measures for
new towns.

For weights, measures, balances and reports for sundry newly incorporated towns, a sum not exceeding twenty-four hundred dollars.

Armory
commissioners.

For clerical services, travelling expenses, incidental, office and other necessary expenses of the armory commissioners, a sum not exceeding twenty-eight hundred dollars.

Primary, reform
and industrial
schools.

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

Boundary lines
of cities and
towns.

For the determination by triangulation of the boundary lines of the cities and towns of this Commonwealth, a sum not exceeding eighty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.
Approved February 15, 1889.

Chap. 34 AN ACT TO AMEND THE CHARTER OF THE MAGNOLIA IMPROVEMENT COMPANY.

Be it enacted, etc., as follows:

Charter
amended.

SECTION 1. Section six of chapter two hundred and forty-five of the acts of the year eighteen hundred and eighty-eight is hereby amended, by striking out the word "fifty" in the eleventh line of said section and inserting in place thereof the word: — twenty-five, — so as to read as follows: — *Section 6.* The capital stock of said corporation shall be two hundred and fifty thousand dollars, divided into shares of twenty-five dollars each, with liberty to increase said stock by vote of the corporation or of the directors, when the business requires an increase, to an amount not exceeding five hundred thousand dollars, to be paid in and increased at such times and in such manner and with and subject to such rules, regulations, privileges and conditions as the directors may decide: *provided,* that said corporation shall not begin the transaction of business until capital stock to the amount of twenty-five thousand dollars shall be subscribed for and paid in, either in cash or in property, to the satisfaction of the commissioner of corporations of this Commonwealth; and no issue of stock shall be made greater than the capital paid in.

Capital stock
and shares.

SECTION 2. This act shall take effect upon its passage.
Approved February 15, 1889.

AN ACT RELATIVE TO PRINTING ADDITIONAL COPIES OF THE REPORTS *Chap. 35*
OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows:

SECTION 1. There shall be printed annually, in addition to the number already allowed by law, five hundred copies of each of the reports of the insurance commissioner, for the use of said commissioner. Additional copies to be printed.

SECTION 2. This act shall take effect upon its passage.
Approved February 15, 1889.

AN ACT MAKING AN APPROPRIATION FOR INVESTIGATIONS INTO *Chap. 36*
THE BEST METHODS OF PROTECTING THE PURITY OF INLAND
WATERS.

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 the payment of certain expenses in connection with the protection of the purity of inland waters, during the year eighteen hundred and eighty-nine, to wit: — Appropriations.

For providing for investigations into the best methods of assuring the purity of water supplies, disposal of sewage, for services of engineers, clerks and other assistants, made necessary and authorized by chapter three hundred and seventy-five of the acts of the year eighteen hundred and eighty-eight, which requires the state board of health to have general care and oversight of all inland waters, and report measures for preventing the pollution of the same, also for the proper disposal of all sewage matter, a sum not exceeding twenty-five thousand dollars. Investigations concerning purity of water supplies, disposal of sewage, etc.

SECTION 2. This act shall take effect upon its passage.
Approved February 15, 1889.

AN ACT TO AMEND THE CHARTER OF THE TRUSTEES OF THE *Chap. 37*
EPISCOPAL THEOLOGICAL SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and thirty-three of the acts of the year eighteen hundred and sixty-seven is hereby amended, by striking out the word "five" in the first line of said section and inserting in place thereof the word: — seven, — so as to read as follows: — *Section 2.* The number of said trustees shall Charter amended.

Trustees, etc.

be seven, and in case of any vacancy caused by the death, resignation or removal of any trustee, a new trustee shall be elected by the surviving or remaining trustees; and any trustee may be removed from office by the unanimous vote of all the remaining trustees. Said trustees may appoint such officers as they think fit for the management of the affairs of the corporation, and they shall appoint all professors, lecturers, tutors and instructors in the said school, prescribe their duties, and fix their salaries and tenure of office.

SECTION 2. This act shall take effect upon its passage.
Approved February 15, 1889.

Chap. 38 AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows :

Salary
of sheriff.

SECTION 1. The salary of the sheriff of the county of Hampden shall be fifteen hundred dollars per annum from and after the first day of January in the year eighteen hundred and eighty-nine.

SECTION 2. This act shall take effect upon its passage.
Approved February 15, 1889.

Chap. 39 AN ACT TO ESTABLISH THE SALARY OF THE FIRST ASSISTANT CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CIVIL BUSINESS.

Be it enacted, etc., as follows :

Salary of first
assistant clerk.

SECTION 1. The salary of the first assistant clerk of the municipal court of the city of Boston for civil business shall be twenty-five hundred dollars a year from the first day of January in the year eighteen hundred eighty-nine.

SECTION 2. This act shall take effect upon its passage.
Approved February 15, 1889.

Chap. 40 AN ACT TO INCORPORATE THE YORICK CLUB OF LOWELL.

Be it enacted, etc., as follows :

Yorick Club
of Lowell,
incorporated.

SECTION 1. George R. Richardson, Paul Butler, Cyrus W. Irish, Fred A. Chase, Frank W. Howe, Frederick P. Marble, Prentiss Webster and Harry A. Brown, their associates and successors, are hereby made a corporation by the name of the Yorick Club, for the purpose of maintaining a club house and reading room in the city of Lowell, 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. Powers and duties.

SECTION 2. Said corporation for the purpose aforesaid may hold real and personal estate to an amount not exceeding one hundred thousand dollars. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.
Approved February 15, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE THIRD DISTRICT COURT OF BRISTOL. Chap. 41

Be it enacted, etc., as follows:

SECTION 1. The salary of the clerk of the third district court of Bristol shall be one thousand dollars a year from the first day of January in the year eighteen hundred and eighty-nine. Salary of clerk.

SECTION 2. This act shall take effect upon its passage.
Approved February 15, 1889.

AN ACT TO FIX THE CAPITAL STOCK OF THE AMERICAN LINEN COMPANY OF FALL RIVER. Chap. 42

Be it enacted, etc., as follows:

SECTION 1. The capital stock of the American Linen Company, of the city of Fall River, incorporated by an act of the general court, approved the twenty-fourth day of March in the year eighteen hundred and fifty-three, is fixed at the sum of eight hundred thousand dollars, and shall not exceed said sum, and it shall be divided into eight thousand shares of one hundred dollars each, to be divided among its present stockholders in proportion to their respective interests. Capital stock and shares.

SECTION 2. If said corporation, by a vote of a majority in interest of its stockholders at a legal meeting called for the purpose shall, within six months from the passage of this act, vote to accept the same, and shall, within six months, cause to be recorded in the registry of deeds for the northern district of the county of Bristol a certificate signed by its president, treasurer, clerk and a majority of its directors, stating the amount of its debts and credits, and an estimate of its real and personal estate for the purpose of carrying on its business at the time of making such certificate, and that the value of its property over and above all its debts and liabilities is not less than the amount of its capital stock as fixed by this act; and if Vote to be passed by a majority in interest of stockholders.
Certificate to be recorded in registry of deeds.

said officers shall make oath that they have carefully examined the records and accounts of said corporation, and faithfully estimated the value of the property and the funds thereof, and that said certificate by them signed is true according to their best knowledge and belief, then said corporation, together with its members and officers, shall be entitled to the same rights, privileges and immunities, and be subject to the same liabilities and provisions of law as if said corporation had been organized under the provisions of chapter one hundred and six of the Public Statutes, with a capital stock fully paid in as required in said chapter, and had duly made and filed the certificate mentioned in section forty-six of the said chapter.

Debts and obligations not impaired.

SECTION 3. Nothing contained in this act shall affect or impair any debts or obligations existing at the time of recording said certificate.

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

Approved February 15, 1889.

Chap. 43 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE ALMSHOUSE AT TEWKSBURY.

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 at the state almshouse at Tewksbury, during the year ending on the thirty-first day of December, eighteen hundred and eighty-nine, to wit:—

State almshouse at Tewksbury.

For the payment of salaries, wages and labor at the state almshouse at Tewksbury, a sum not exceeding twenty-nine thousand dollars; and for other current expenses at said institution, a sum not exceeding seventy-nine thousand five hundred dollars.

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

Approved February 15, 1889.

Chap. 44 AN ACT TO AUTHORIZE THE NEWTON STREET RAILWAY COMPANY TO EXTEND ITS TRACKS AND TO PURCHASE THE WALTHAM AND NEWTON STREET RAILWAY.

Be it enacted, etc., as follows:

May extend tracks, etc., in Waltham and Watertown.

SECTION 1. The Newton Street Railway Company is hereby authorized to construct, extend, maintain and operate its street railway over any streets and highways in the city of Waltham and the town of Watertown upon

which locations may hereafter from time to time be granted to said corporation by the board of aldermen of said city and the selectmen of said town, respectively, in the same manner and with the same powers as it is now authorized by law to do in the city of Newton, and to connect with the locations of said street railway in said city of Newton.

SECTION 2. Said corporation is authorized to purchase and pay for the rights, franchise and property of the Waltham and Newton Street Railway Company, and said Waltham and Newton Street Railway Company is authorized to sell, convey and assign its franchise and property and all the rights, easements, privileges, locations and powers granted or in any way belonging to it to the said Newton Street Railway Company, which company shall, upon such conveyance being made, have and enjoy all the rights, powers, privileges, locations, easements, franchises and property which heretofore belonged to, or were in any way owned by, the said Waltham and Newton Street Railway Company, subject to the duties, liabilities and restrictions applicable to the same under the general laws relating to street railway companies: *provided, however*, that such purchase and sale shall not be valid unless agreed to by the boards of directors of both said corporations, and approved by a majority in interest of the stockholders of each corporation at meetings called for that purpose.

May purchase franchise, etc., of the Waltham and Newton Street Railway Company.

SECTION 3. All the corporate rights and franchises heretofore possessed by said Newton Street Railway Company and granted to the same by this act, shall determine in two years from this date, if said corporation shall not commence the construction or operation of its railway within said term, but otherwise shall continue in full force.

Corporate rights to determine in two years.

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

Approved February 18, 1889.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE EXPENSES OF THE TRUSTEES OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 45

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Massachusetts Agricultural College shall hereafter be allowed and paid, from the treasury of the Commonwealth, such sum as is necessary for their personal and incidental expenses incurred

Personal and incidental expenses to be paid from the treasury.

in the discharge of their duties, in the same manner as the trustees of other public institutions are now paid and allowed.

SECTION 2. This act shall take effect upon its passage.
Approved February 18, 1889.

Chap. 46 AN ACT TO INCORPORATE THE ABINGTON BUSINESS CLUB BUILDING ASSOCIATION.

Be it enacted, etc., as follows:

Abington
Business Club
Building
Association,
incorporated.

SECTION 1. Henry B. Peirce, Otis W. Soule, Carlos P. Faunce, George A. Beal, Clifford Ramsdell, Harvey H. Pratt, E. C. Nash, G. R. Farrar, M. F. Nash, H. A. Beal, John W. Sproul, their associates and successors, are hereby made a corporation by the name of the Abington Business Club Building Association, for the purpose of purchasing and maintaining a factory or factories 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 restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

May purchase
and hold
certain lands.

SECTION 2. The said corporation shall have power to purchase, lease and hold in fee simple or otherwise a certain lot or parcel of land with the buildings and other improvements thereon lying on the easterly side of Lake street in the town of Abington, bounded northerly by land of William Pierce; easterly by Island Grove pond; southerly by land of Ella B. Dunham, and westerly by said street. Also one other piece of land in said Abington bounded easterly by land of Jacob and Elizabeth R. Reed and land of Michael Driscoll; southerly by land of Josiah T. King, and westerly by land of the Old Colony Railroad Company and other real estate in said town of Abington; may erect and maintain factory and other buildings and structures thereon, and may sell, lease, mortgage or otherwise dispose of its corporate property or any part thereof.

May erect
buildings, etc.

Capital stock
and shares.

SECTION 3. The capital stock of said corporation shall be eight thousand dollars and shall be divided into shares of ten dollars each; *provided*, that no liability shall be incurred until three thousand five hundred dollars of said capital stock, either in cash or property, shall have been paid in.

SECTION 4. The said corporation may from time to time increase its capital stock in amounts not to exceed in the aggregate the further sum of seventeen thousand dollars: *provided*, that no shares in such increased capital stock shall be issued for a less sum, to be actually paid in on such shares either in cash or property, than the par value thereof, which shall not be less than ten dollars; and *provided, also*, that a certificate stating the amount of any such increase shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

May increase capital stock.

No shares to be issued at less than par value.

Certificate of increase to be filed in the office of the secretary of the Commonwealth.

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

Approved February 18, 1889.

AN ACT TO AUTHORIZE JOHN L. AND HENRY K. POTTER TO DRIVE PILES IN FORT POINT CHANNEL IN BOSTON HARBOR. *Chap. 47*

Be it enacted, etc., as follows:

SECTION 1. John L. and Henry K. Potter are hereby authorized to drive twelve piles on the southerly side of Congress street bridge, in Fort Point channel, in Boston harbor, for the support of a water tank: *provided, however*, that the location of said piles shall be approved by the board of harbor and land commissioners, and they shall be removed by said John L. and Henry K. Potter, or their successors, at any time on the order of said board; and *provided, further*, that said John L. and Henry K. Potter, or their successors, shall pay into the compensation fund, established by the fourth section of chapter one hundred forty-nine of the acts of the year eighteen hundred and sixty-six, the sum of seventy-five dollars, annually, on the first day of July, during the continuance of the structure, and *provided, further*, that if said John L. and Henry K. Potter, or their successors, shall fail to remove the said piles and structure on the order of the board of harbor and land commissioners, the same may be removed by said board, and the said John L. and Henry K. Potter, or their successors, shall be liable to the Commonwealth for the expense of such removal.

May drive certain piles in Boston harbor for support of a water tank.

SECTION 2. Said water tank shall not be placed on said piles until authorized by the board of aldermen of the city of Boston, and the same shall be removed when so ordered by them.

Subject to control of the board of aldermen.

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

Approved February 18, 1889.

Chap. 48 AN ACT TO CHANGE THE NAME OF THE SOUTH ABINGTON BAPTIST CHURCH.

Be it enacted, etc., as follows:

Name changed. The religious society in Whitman incorporated under the general laws of the Commonwealth and called the South Abington Baptist Church, shall be known and called hereafter by the name of the First Baptist Church of Whitman, 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. *Approved February 18, 1889.*

Chap. 49 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM AT BRIDGEWATER.

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 at the state farm at Bridgewater, during the year ending on the thirty-first day of December, eighteen hundred and eighty-nine, to wit: —

State farm at
Bridgewater.

Salaries and
expenses.

For the payment of salaries, wages and labor at the state farm at Bridgewater, a sum not exceeding sixteen thousand five hundred dollars; and for current expenses at said institution, a sum not exceeding forty-six thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.
Approved February 18, 1889.

Chap. 50 AN ACT PROVIDING FOR A FOURTH ASSISTANT CLERK OF THE SUPERIOR COURT, CIVIL SESSION, FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Fourth assist-
ant clerk for
civil business.

SECTION 1. The justices of the superior court, or a majority of them, may appoint a fourth assistant clerk of said court for civil business in the county of Suffolk, who shall be subject to the provisions of law applicable to assistant clerks of courts in said county, and who shall receive in full for all services performed by him an annual salary of twenty-five hundred dollars, to be paid by said county.

SECTION 2. This act shall take effect upon its passage.
Approved February 18, 1889.

AN ACT TO AUTHORIZE THE REVERE STREET RAILWAY COMPANY
 TO CONSTRUCT, MAINTAIN AND OPERATE PART OF ITS RAILWAY
 UPON PRIVATE PROPERTY. Chap. 51

Be it enacted, etc., as follows:

SECTION 1. The Revere Street Railway Company is hereby authorized to construct, maintain and operate a railway with single or double tracks in such manner as may be convenient and necessary, from the northerly terminus of Walley street at Orient heights in the city of Boston, to a connection with Ocean avenue near Crescent beach in the town of Revere, and crossing Winthrop avenue near Beachmont in said town of Revere, upon and over the private way known as Washburn avenue laid out nearly parallel with and about one hundred feet westerly from the westerly line of the location of the Boston, Revere Beach and Lynn Railroad: *provided*, said company shall procure the consent of the owners of the land included within the limits of said private way, so to do.

May construct and maintain railway upon private property.

Proviso.

SECTION 2. Said Revere Street Railway Company, respecting that part of its railway hereby authorized to be constructed, maintained and operated, shall have all the powers and privileges, and shall be 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 street railways, except as herein provided.

Powers and duties.

SECTION 3. Said railway company in the operation of its road by such motive power as it may be legally authorized to use, may erect and use such poles and wires and make such surface and underground alterations of the public streets or ways in which the tracks are located, and do such other things necessary and convenient for the use of the motive power permitted, as may be approved in any city by the board of aldermen and in any town by the selectmen.

Motive power, etc.

SECTION 4. Said railway company may, by consent of the owners of the land included within the limits of said Washburn avenue, operate its railway within said avenue by electricity or by any motive power other than direct steam, and may erect and use such poles and wires and make such surface and underground alterations of said avenue, and do such other things necessary and con-

May use electricity or any motive power other than direct steam.

venient for the use of such motive power, as may be approved by the board of railroad commissioners.

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

Approved February 18, 1889.

Chap. 52 AN ACT TO AUTHORIZE THE TOWN OF WESTFIELD TO ISSUE ADDITIONAL WATER BONDS.

Be it enacted, etc., as follows :

May issue
additional
water bonds
not exceeding
\$115,000.

SECTION 1. The town of Westfield, for the purpose of paying, retiring and refunding its outstanding bonds issued by said town under the authority of chapter three hundred and twenty-two of the acts of the year eighteen hundred and seventy-three, and which, to the amount of one hundred and fifteen thousand dollars become due on the first day of October in the year eighteen hundred and eighty-nine, is authorized to issue new bonds, signed by the treasurer of said town and countersigned by the chairman of the board of water commissioners thereof, to be denominated Westfield Water Bonds, to an amount not exceeding one hundred and fifteen thousand dollars, payable at periods not exceeding twenty years from the first day of October in the year eighteen hundred and eighty-nine, with interest payable semi-annually at a rate not exceeding six per cent. per annum; and said town may sell said bonds 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 may raise money by taxation to pay said bonds and the interest thereon when the same shall become due.

Payment to be
provided for.

SECTION 2. The town of Westfield shall, before such bonds are issued, provide for their payment either according to the provisions of section twelve of chapter twenty-nine of the Public Statutes, or according to the provisions of chapter one hundred and thirty-three of the acts of the year eighteen hundred and eighty-two; but said town shall not raise more than ten thousand dollars in any one year toward payment of the principal of said bonds, except the year in which the same or any part thereof may become due.

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

Approved February 18, 1889.

AN ACT TO PROVIDE FOR THE PAYMENT OF POSTAGE AND EXPRESSAGE ON DOCUMENTS SENT TO MEMBERS OF THE GENERAL COURT. *Chap. 53*

Be it enacted, etc., as follows:

SECTION 1. There shall be allowed and paid annually out of the treasury of the Commonwealth such sum of money as may be necessary, to be expended by the sergeant-at-arms, for the purpose of paying postage and express charges on legislative and other documents forwarded to members of the general court.

Payment of postage, etc., on documents forwarded to members of general court.

SECTION 2. This act shall take effect upon its passage.
Approved February 19, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE THIRD DISTRICT COURT OF BRISTOL. *Chap. 54*

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the third district court of Bristol shall be eighteen hundred dollars a year, and be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

Salary of justice.

SECTION 2. This act shall take effect upon its passage.
Approved February 19, 1889.

AN ACT MAKING AN APPROPRIATION FOR COMPENSATION AND EXPENSES OF THE JOINT SPECIAL COMMITTEE APPOINTED BY THE LEGISLATURE OF EIGHTEEN HUNDRED AND EIGHTY-EIGHT. *Chap. 55*

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-eight, to consider the subject of completing and perfecting the records of officers and enlisted men serving from Massachusetts in the army and navy during the war of the rebellion, to wit:—

Appropriation.

For compensation of the members of the joint special committee of the legislature of the year eighteen hundred and eighty-eight, the sum of twenty-eight hundred dollars; and for expenses of said committee, a sum not exceeding nine hundred and eighty-nine dollars and seventy cents.

Joint special committee of legislature of 1888.

SECTION 2. This act shall take effect upon its passage.
Approved February 19, 1889.

Chap. 56 AN ACT TO FURTHER AMEND AN ACT TO SUPPLY THE TOWN OF MARBLEHEAD WITH WATER.

Be it enacted, etc., as follows:

Water supply for Marblehead.

May take waters in town and certain waters in Salem.

May erect dams and other structures.

May dig up lands under direction of selectmen and board of aldermen.

Chapter three hundred and twenty-five of the acts of the year eighteen hundred and eighty-six, as amended by chapter three hundred and sixteen of the acts of the year eighteen hundred and eighty-seven, and as further amended by chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-eight, is hereby further amended by striking out section two of said chapter and inserting in place thereof the following: — *Section 2.* The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the waters of any ponds, streams, springs or other water sources with the streams and springs tributary thereto in said town, and any water rights connected therewith, excepting the waters of Putnam brook and its tributaries, and the said town may take, by purchase or otherwise, and hold the waters of any ponds, streams, springs or other water sources with the streams and springs tributary thereto within the limits of the city of Salem, in that southerly portion thereof which forms the water-shed basins that tend toward and have their natural outlet into Forest river, and may also take, by purchase or otherwise, and hold all lands, rights of way and easements necessary for holding and preserving such water, and protecting the same from contamination, and for conveying the same to any part of said town of Marblehead; 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 sources, 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 or the mayor and aldermen of the city 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.

Approved February 19, 1889.

AN ACT GIVING THE OFFICERS AND MEN OF THE POLICE DEPARTMENT OF THE CITY OF BOSTON CERTAIN RIGHTS OF WAY IN THE STREETS, LANES AND ALLEYS OF SAID CITY.

Chap. 57

Be it enacted, etc., as follows:

The officers and men of the police department of the city of Boston, with the patrol wagons and ambulances thereof, shall have the right of way through any street, lane or alley in said city, subject to the rights of the Boston fire department and the Boston protective department; and whoever wilfully or maliciously obstructs or retards the passage of such patrol wagons and ambulances, as aforesaid, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in jail not exceeding three months.

Patrol wagons and ambulances to have right of way in streets of Boston.

Approved February 19, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF THE COUNTY OF BERKSHIRE.

Chap. 58

Be it enacted, etc., as follows:

SECTION 1. The salary of the treasurer of the county of Berkshire shall be fifteen hundred dollars per annum, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

Salary of treasurer.

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

Approved February 27, 1889.

AN ACT TO INCORPORATE THE NANTASKET METHODIST EPISCOPAL CHURCH.

Chap. 59

Be it enacted, etc., as follows:

SECTION 1. The religious society in Cohasset, formerly known as the Methodist Society Politic of Cohasset, and later as the Methodist Episcopal Church of North Cohasset, and now known as the Nantasket Methodist Episcopal Church, is hereby constituted a corporation by the name of the Nantasket Methodist Episcopal Church, with all the powers, rights, privileges, limitations, duties and liabilities of chapter thirty-eight of the General Statutes, excepting sections eight to fourteen of the said chapter.

Nantasket Methodist Episcopal Church, incorporated.

SECTION 2. All the actions of the said societies, as far as the same appear on the accepted records of the church,

Actions of societies confirmed.

are ratified and confirmed, and this act may be amended or revoked at the pleasure of the general court.

Gifts, grants, etc., confirmed.

SECTION 3. All gifts, grants, donations or conveyances of property, both real and personal, made to, or for the use and benefit of either of the aforesaid societies, and now held by the trustees of the Methodist Episcopal Church of North Colasset, are hereby confirmed to and vested in the Nantasket Methodist Episcopal Church, subject to all lawful debts, claims or demands against the same.

Management of affairs vested in the quarterly conference.

SECTION 4. The general management of the affairs of this corporation shall be vested in the quarterly conference of the church, according to the discipline and usage of the methodist episcopal church.

Control of property vested in a board of trustees.

SECTION 5. The control of the property of this corporation shall be vested in a board of trustees, to be elected annually in accordance with the discipline and usage of the church, and said trustees shall have full power, subject to the direction of the quarterly conference, to hold, manage, sell and convey all the property of the society, both real and personal, and also to receive, hold and manage all gifts, grants, donations or bequests made for the use and benefit of the church: *provided*, that the whole amount of the said property shall not exceed ten thousand dollars.

Proviso.

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

Approved February 27, 1889.

Chap. 60 AN ACT TO AUTHORIZE THE ALLEN GYMNASIUM COMPANY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Additional real and personal estate.

SECTION 1. The Allen Gymnasium Company is hereby authorized to hold additional real and personal estate to an amount not exceeding one hundred and fifty thousand dollars.

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

Approved February 27, 1889.

Chap. 61 AN ACT IN ADDITION TO THE ACTS TO SUPPLY THE CITY OF WORCESTER WITH PURE WATER.

Be it enacted, etc., as follows:

Water supply for Worcester.

SECTION 1. For the purposes named in the third section of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and eighty-one, and for the

purpose of paying any damages occasioned by the taking of Tatnuck brook under said act, and for the purpose of making any necessary enlargements of water works of the city and any necessary expenditures in connection therewith, the city council of the city of Worcester is hereby authorized to borrow from time to time such sums of money, to an amount not exceeding three hundred thousand dollars, as it shall deem necessary, in the manner and subject to the provisions of said act as amended by chapter one hundred and forty-five of the acts of the year eighteen hundred and eighty-four.

Damages for taking Tatnuck brook.

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

Approved February 27, 1889.

AN ACT TO PROVIDE EXTRA CLERICAL ASSISTANCE FOR THE CLERK OF THE SECOND DISTRICT COURT OF BRISTOL. *Chap. 62*

Be it enacted, etc., as follows:

SECTION 1. The clerk of the second district court of Bristol shall be allowed for extra clerical assistance a sum not exceeding five hundred dollars in any one year, upon his certificate that the work was actually performed and was necessary, with the time occupied and the names of the persons by whom the work was performed; such sum to be approved by the county commissioners for Bristol county by a writing signed by them, and to be paid from the county treasury of Bristol county, monthly, to the person or persons so employed.

Allowance for extra clerical assistance.

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

Approved February 27, 1889.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE STATE DISTRICT POLICE FORCE. *Chap. 63*

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 salaries and expenses of the state district police force during the year eighteen hundred and eighty-nine, to wit:—

Appropriations.

For the salary of the chief of the state district police force, a sum not exceeding two thousand dollars.

State district police, chief.

For the compensation of the thirty-two members of the state district police force, a sum not exceeding forty-eight thousand dollars.

Members of force.

Travelling expenses.

For travelling expenses actually paid by members of the state district police force, a sum not exceeding eight-
teen thousand six hundred dollars.

Incidental expenses.

For incidental, contingent and office expenses of the chief and members of the state district police force, a sum not exceeding thirty-five hundred dollars.

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

Approved February 28, 1889.

Chap. 64 AN ACT TO AUTHORIZE THE PLANTING, CULTIVATING AND DIGGING OF CLAMS IN AND AROUND THE SHORES OF GLOUCESTER.

Be it enacted, etc., as follows:

Licenses may be granted to cultivate and dig clams.

SECTION 1. The mayor and aldermen of the city of Gloucester may grant a license for such a term of years not exceeding five, as they, in their discretion, may deem necessary and as the public good requires, to any inhabitant of said city to plant, cultivate and dig clams upon and in any flats and creeks in said city now unproductive thereof, not exceeding two acres to any one person and not impairing the private rights of any person.

Metes and bounds to be described in license.

SECTION 2. Every such license shall describe by metes and bounds the flats and creeks so appropriated, and shall be recorded by the city clerk before it shall have any force, and the person licensed shall pay to the mayor and aldermen, for the use of said city, two dollars, and to the clerk, fifty cents.

Person licensed to have exclusive use of premises.

SECTION 3. The person so licensed and his heirs and assigns shall, for the purposes aforesaid, have the exclusive use of the flats and creeks described in the license during the term specified therein, and may, in an action of tort, recover treble damages of any person who, without his or their consent, digs or takes clams from such flats or creeks during the continuance of the license.

By-laws.

SECTION 4. Said mayor and aldermen may make such by-laws, not repugnant to the laws of the Commonwealth, as they may from time to time deem expedient to protect and preserve the shell fisheries within said city.

Penalties.

SECTION 5. Whoever takes any shell fish from within the waters of said city of Gloucester in violation of the by-laws established by it or of the provisions of this act, shall for every offence pay a fine of not less than five nor more than ten dollars and the costs of prosecution, and one dollar for every bushel of shell fish so taken.

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

Approved March 1, 1889.

AN ACT AUTHORIZING THE AMESBURY AND SALISBURY AGRICULTURAL AND HORTICULTURAL SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 65*

Be it enacted, etc., as follows:

SECTION 1. The Amesbury and Salisbury Agricultural and Horticultural Society, incorporated by chapter two hundred and four of the acts of the year eighteen hundred and eighty-one, may hold real and personal estate to an amount not exceeding ten thousand dollars.

Real and personal estate not to exceed \$10,000.

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

Approved March 1, 1889.

AN ACT IN RELATION TO SALES AND MORTGAGES OF TRUST ESTATES. *Chap. 66*

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter one hundred and forty-one of the Public Statutes is hereby amended by inserting after the word "estate" in the tenth line thereof the words:—or for the purpose of paying the expense of other improvements of a permanent nature made or to be made upon such estate,—so as to read as follows:—*Section 23.* The court having jurisdiction of a trust created by a written instrument may, on petition and after notice to all persons interested, if upon a hearing it appears to be for the benefit of the trust estate, authorize trustees to mortgage any real estate held by them in trust, for the purpose of paying sums assessed on their trust estate for betterments or the expense of repairs and improvements on such estate made necessary by such betterments, or by the lawful taking of such estate or of a part thereof by a city or town; for the purpose of paying the expense of erecting, altering, completing, repairing, or improving a building on such estate; or for the purpose of paying the expense of other improvements of a permanent nature made or to be made upon such estate; or for the purpose of paying an existing lien or mortgage on such trust estate or on a part thereof; or it may authorize such trustees to make an agreement for the extension or renewal of such existing mortgage.

Sales and mortgages of trust estates.

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

Approved March 1, 1889.

Chap. 67 AN ACT TO INCORPORATE THE EVERETT SAVINGS BANK IN THE TOWN OF EVERETT.

Be it enacted, etc., as follows :

Everett Savings Bank, incorporated.

SECTION 1. Woodbury A. Ham, Wilmot R. Evans, Robert M. Barnard, Samuel P. Cannell, George S. Marshall, Samuel M. Johnson, Isaac T. Winchester and Adams B. Cook, their associates and successors, are hereby made a corporation by the name of the Everett Savings Bank, with authority to establish and maintain a savings bank in the town of Everett, 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 1, 1889.

Chap. 68 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO INCUR INDEBTEDNESS OUTSIDE OF THE DEBT LIMIT TO COMPLETE ITS NEW PUBLIC LIBRARY BUILDING.

Be it enacted, etc., as follows :

May incur indebtedness for completing public library.

SECTION 1. The city of Boston, for the purpose of enabling the trustees of the public library of the city of Boston to complete the new public library building on Copley square in said city, may incur indebtedness, and may authorize the city treasurer of said city to issue, from time to time, as the said trustees shall request, bonds or certificates of indebtedness, to an amount not exceeding one million of dollars, outside of the limit of indebtedness fixed by law for said city. Such bonds shall bear interest at a rate not exceeding four per cent. per annum, to be fixed as provided by the ordinances of said city.

Treasurer to sell bonds, etc.

SECTION 2. Said treasurer shall sell such bonds or 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 by said trustees for the purposes aforesaid.

Trustees may sell land and building now used for central library.

SECTION 3. The said trustees shall hold the land and building now used for the central public library on Boylston street in said city, and shall, on or before the maturity of said loan, sell, in behalf of the said city, the said land and building, in such manner and for such sum

as they shall deem best, and shall pay over the proceeds of said sale to the board of commissioners of sinking funds of said city, and the said treasurer shall also pay over to said board any premiums received by him in the sale of such bonds or certificates. The said board shall place all amounts so paid to them by said trustees and by said treasurer into the sinking fund for the payment of the loan hereby authorized.

SECTION 4. Except as hereinbefore otherwise provided, the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds, and to the establishment of a sinking fund for the payment thereof at maturity.

Provisions of
P. S. 29, and of
1884, 129,
to apply.

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

Approved March 1, 1889.

AN ACT TO ENABLE CITIES TO CHANGE THEIR BOARDS OF REGISTRARS OF VOTERS SO THAT THE CITY CLERK SHALL NOT BE A MEMBER THEREOF.

Chap. 69

Be it enacted, etc., as follows:

SECTION 1. In any city which shall accept the provisions of this act, as herein provided, the mayor of such city shall, in the month of March or April of or following such acceptance, appoint two able and discreet persons, qualified voters in such city, who shall hold no other office nor position by election or appointment in said city, to be members of the board of registrars of voters of said city; one of whom shall hold his office for the term of three years from the first day of May then next ensuing and until another is appointed in his place, and the other for the term of four years from said first day of May and until another is appointed in his place; and in the same manner the mayor of such city shall, in the month of March or April in each year, after the foregoing appointments, appoint one person, qualified as aforesaid, to be a registrar of voters for the term of four years from the first day of May then next ensuing and until another is appointed in his place. The city clerk of such city shall cease to be a member of the board of registrars of voters on and after the first day of May in the year of the first appointment named in this section.

Registrars of
voters in cities.

To choose one of their number to act as clerk.

SECTION 2. During the month of May in each year following the acceptance of this act and before any other business is transacted, said board of registrars shall choose one of their number to be and act as clerk, who shall keep a full and complete record of its proceedings, and perform all acts heretofore required by law of the city clerk acting as clerk of the board of registrars of voters in such city.

Powers and duties.

SECTION 3. Except as herein provided, the board of registrars of voters of any such city, accepting this act as aforesaid, shall do and perform all things required of registrars of voters of cities by chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four and by all acts and parts of acts in addition thereto or in amendment thereof, and shall receive the same compensation, and shall equally represent the two political parties, as provided in said chapter.

Act to apply when accepted by city.

SECTION 4. The provisions of this act shall apply only to those cities which shall approve thereof by vote of their city council approved by the mayor. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved March 1, 1889.

Chap. 70 AN ACT TO ESTABLISH THE SALARY OF THE AUDITOR OF ACCOUNTS.

Be it enacted, etc., as follows:

Salary of auditor.

SECTION 1. The salary of the auditor of accounts shall be thirty-five hundred dollars per annum, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

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

Approved March 1, 1889.

Chap. 71 AN ACT TO AUTHORIZE THE BLACK ROCKS AND SALISBURY BEACH STREET RAILWAY COMPANY TO INCREASE ITS CAPITAL STOCK, EXTEND ITS LOCATION, ISSUE BONDS AND MORTGAGE ITS PROPERTY AND FRANCHISE.

Be it enacted, etc., as follows:

May increase capital stock for purpose of extending tracks.

SECTION 1. The Black Rocks and Salisbury Beach Street Railway Company is hereby authorized to increase its capital stock to an amount which, together with the amount heretofore authorized, shall not exceed sixty-five thousand dollars, for the purpose of extending its tracks from a point near the post office in the town of Salisbury

to High street in the city of Newburyport, and for the purchase of equipment.

SECTION 2. The said company may extend, maintain and operate its tracks in any street or location granted to said company by the mayor and aldermen of the city of Newburyport, or the selectmen of the towns of Salisbury or Amesbury, and on land acquired by the said company by purchase or by lease, or on land over which a right of way has been or may be acquired by said company.

May extend, maintain and operate tracks.

SECTION 3. The said 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, bearing interest not exceeding six per centum per annum, 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 date thereof; and to secure payment thereof, with interest thereon, the said company may make a mortgage of its road and franchise and any part 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 bonds and secure payment by a mortgage.

SECTION 4. 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 5. This act shall take effect upon its passage.

Approved March 1, 1889.

AN ACT TO AUTHORIZE THE HOLYOKE WATER POWER COMPANY TO INCREASE ITS CAPITAL STOCK. *Chap. 72*

Be it enacted, etc., as follows:

SECTION 1. The Holyoke Water Power Company, incorporated by chapter six of the acts of the year eighteen hundred and fifty-nine, is hereby authorized to increase its capital stock to an amount not exceeding one million two hundred thousand dollars.

May increase capital stock.

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

Approved March 1, 1889.

Chap. 73 AN ACT TO AUTHORIZE THE GRANITE MILLS TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May increase capital stock.

SECTION 1. The Granite Mills, incorporated by chapter forty-eight of the acts of the year eighteen hundred and sixty-three, is authorized to increase its capital stock to an amount which together with the amount heretofore authorized shall not exceed one million dollars.

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

Approved March 1, 1889.

Chap. 74 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO SUPPLY MOON ISLAND AND LONG ISLAND WITH PURE WATER.

Be it enacted, etc., as follows:

Boston may supply Moon island and Long island with pure water.

SECTION 1. The city of Boston is hereby authorized to carry the waters of the Sudbury river and lake Cochituate to, into and through Moon island and Long island in Boston harbor, and to supply the inhabitants thereof with said waters, and for that purpose may lay pipes across the Neponset river, and in Hancock street, Atlantic street and Squantum street in the city of Quincy, and from said Squantum street, in and through private lands, to, into and through Moon island, and thence to, into and through Long island, and may make any suitable structure or structures necessary for said purpose over or under any tide-waters, or channel or portion of Boston harbor.

May enter upon and dig up streets in Quincy.

SECTION 2. For the purposes aforesaid the said city of Boston shall have all the powers, and be subject to all the duties applicable thereto, which are given and imposed by chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six, chapter one hundred and seventy-seven of the acts of the year eighteen hundred and seventy-two, and chapter nineteen of the Public Statutes; and, in entering upon and digging up any streets in said city of Quincy, shall be subject to such reasonable regulations as shall be made by the city council of said city of Quincy.

May establish hydrants.

SECTION 3. Said city of Boston while laying down said pipes in said streets shall insert therein hydrants at points one thousand feet apart, to be used for the purpose of extinguishing fires, and for no other purpose, and said

city of Quincy shall pay the expenses of keeping in repair all such hydrants as shall be so inserted.

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

Approved March 1, 1889.

AN ACT TO ALLOW THE INTERNATIONAL TRUST COMPANY TO INCREASE ITS CAPITAL STOCK AND TO HOLD REAL ESTATE SUITABLE FOR THE TRANSACTION OF ITS BUSINESS.

Chap. 75

Be it enacted, etc., as follows:

SECTION 1. The International Trust Company, incorporated by chapter one hundred and fifty-two of the acts of the year eighteen hundred and seventy-nine, is hereby authorized to increase its capital stock from time to time to an amount not exceeding one million dollars: *provided*, that no certificate of shares shall be issued until the par value of such shares shall have been paid in in cash; and *provided, further*, that the shareholders of said corporation shall be individually responsible, equally and ratably, and not one for the other, for all contracts, debts and engagements of said corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

May increase capital stock.

Provisos.

SECTION 2. Said corporation may hold real estate in the city of Boston, suitable for the transaction of its business, to an amount not exceeding five hundred thousand dollars.

May hold real estate in Boston.

SECTION 3. This act shall take effect upon its acceptance by the International Trust Company.

Approved March 1, 1889.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 76

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:—

Appropriations.

For expenses in connection with the centennial celebration of the inauguration of George Washington as president of the United States, a sum not exceeding thirty

Centennial celebration of inauguration of Washington.

- thousand dollars, as authorized by chapter one of the resolves of the present year.
- Legislative bulletin. For expenses in connection with the publication of a legislative bulletin of committee hearings, a sum not exceeding one thousand dollars, as authorized by chapter three of the resolves of the present year.
- Normal school at Framingham. For furnishing Crocker hall at the state normal school at Framingham, a sum not exceeding two thousand two hundred and twenty-five dollars, as authorized by chapter four of the resolves of the present year.
- Charles Wright and Moses G. Howe. For Charles Wright and Moses G. Howe, the sum of seventy-three dollars, as authorized by chapter five of the resolves of the present year.
- William S. Shurtleff. For William S. Shurtleff, the sum of eleven hundred and twenty dollars and forty-seven cents, as authorized by chapter seven of the resolves of the present year.
- Soldiers' home. For the trustees of the soldiers' home in Massachusetts, the sum of twenty thousand dollars, as authorized by chapter nine of the resolves of the present year.
- Manual of the general court. For printing and binding twelve hundred additional copies of the manual of the general court, a sum not exceeding five hundred and fifty dollars, as authorized by chapter thirty-two of the acts of the present year.
- Capital trials. For publishing the reports of capital trials, under the direction of the attorney-general, a sum not exceeding fifteen hundred dollars.
- Small items of expenditure. For small items of expenditure for which no appropriations have been made, or for which appropriations have been exhausted or reverted to the treasury in previous years, a sum not exceeding one thousand dollars.
- Reports of insurance commissioner. For printing and binding five hundred additional copies of each of the reports of the insurance commissioner, a sum not exceeding three hundred and fifty dollars, as authorized by chapter thirty-five of the acts of the present year.
- Support of state paupers in Massachusetts school for feeble-minded, etc. The appropriation of the sum of five thousand dollars for the support of state paupers in the Massachusetts school for the feeble-minded, authorized by chapter twenty-three of the acts of the present year, is hereby made applicable for the support of the same class of state paupers in the hospital cottages for children at Baldwinsville, or at such other place as the board of lunacy and charity shall direct.
- Quartermasters' supplies. For quartermasters' supplies, a sum not exceeding four thousand dollars, being in addition to the twelve thousand

dollars appropriated by chapter eight of the acts of the present year.

For the support of state normal schools, a sum not exceeding six hundred dollars, being in addition to the seventy-three thousand thirty-nine dollars and fifty cents, authorized by chapter nine of the acts of the present year, to be paid out 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.

State normal schools.

For rent of rooms for the use of the civil service commissioners, a sum not exceeding one hundred dollars, being in addition to the sum of eight hundred dollars appropriated by chapter thirty-three of the acts of the present year.

Civil service commission.

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 five hundred dollars, being in addition to the seven thousand eight hundred and fifty dollars appropriated by chapter thirty-three of the acts of the present year.

Railroad commissioners.

For travelling and other necessary expenses of the trustees of the Massachusetts agricultural college, a sum not exceeding five hundred dollars, as authorized by chapter forty-five of the acts of the present year.

Massachusetts agricultural college.

For the payment of postage and expressage on documents sent to members of the general court, a sum not exceeding one thousand dollars, as authorized by chapter fifty-three of the acts of the present year.

Postage, etc., on documents sent to members of general court.

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, a sum not exceeding fifteen thousand dollars.

Contract between state and the Troy and Greenfield Railroad.

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

Approved March 6, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE SECOND CLERK OF THE COMMISSIONERS OF SAVINGS BANKS. *Chap. 77*

Be it enacted, etc., as follows:

SECTION 1. The salary of the second clerk of the commissioners of savings banks shall be twelve hundred

Salary established.

dollars a year, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

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

Approved March 6, 1889.

Chap. 78 AN ACT TO REGULATE THE TAKING OF FISH IN CERTAIN STREAMS
WITHIN THE LIMITS OF THE TOWN OF RANDOLPH.

Be it enacted, etc., as follows:

Town may regulate certain fisheries.

SECTION 1. The town of Randolph may, at any legal meeting called for that purpose, make regulations not inconsistent with the provisions of the general laws of the Commonwealth concerning the taking of alewives, shad and smelts in the Blue Hill river, and the Norway river and its branches, and all the streams flowing into Great pond and into Monatiquot river, within the limits of said town, or concerning the disposal of the privilege of taking the same, for its own use and benefit.

Inspectors to be elected.

SECTION 2. Said town shall, at its annual meeting in April in the year eighteen hundred and eighty-nine, and in each year thereafter, choose three discreet persons by ballot, whose duty it shall be to inspect said rivers and streams, to cause the regulations respecting said fishery to be carried into effect and to prosecute all violations thereof.

Penalties.

SECTION 3. Whoever takes from said rivers or streams any of said fish in violation of the provisions of said regulations shall forfeit for each fish so taken not more than ten dollars nor less than one dollar, one half of said penalty to be paid to the complainant and the other half to said town.

Jurisdiction of district court of East Norfolk.

SECTION 4. The district court of East Norfolk is hereby given primary jurisdiction of offences under this act.

Powers of commissioners on inland fisheries.

SECTION 5. The commissioners on inland fisheries shall have, with regard to said rivers and streams, the general powers and authority conferred upon them by chapter ninety-one of the Public Statutes of the Commonwealth.

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

Approved March 6, 1889.

AN ACT IN ADDITION TO 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. Chap. 79

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter three hundred and one of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out all after the word "equitable" in the eighth line thereof, so as to read as follows:— *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.

County commissioners may borrow money to build bridge.

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

Approved March 6, 1889.

AN ACT TO AUTHORIZE THE TOWN OF MARLBOROUGH TO MAKE AN ADDITIONAL WATER LOAN. Chap. 80

Be it enacted, etc., as follows:

SECTION 1. The town of Marlborough, for the purposes mentioned in section four of chapter one hundred and ninety-one of the acts of the year eighteen hundred and eighty, may issue notes, bonds or scrip, to be denominated on the face thereof Marlborough Water Loan, 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; 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 Marlborough water loan by said town: *provided*, 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 thousand dollars.

May make an additional water loan.

Whole amount not to exceed \$300,000.

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

Approved March 6, 1889.

Chap. 81 AN ACT TO AUTHORIZE THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows :

Real and personal estate not to exceed \$1,000,000.

SECTION 1. The Massachusetts Charitable Eye and Ear Infirmary, a corporation established by chapter ninety-one of the acts of the year eighteen hundred and twenty-six, may hold real and personal estate to an amount not exceeding one million dollars.

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

Approved March 7, 1889.

Chap. 82 AN ACT RELATIVE TO THE HOLDING OF PROPERTY BY THE UNITED STATES HOTEL COMPANY OF BOSTON AND TO VOTING AT MEETINGS OF SAID CORPORATION.

Be it enacted, etc., as follows :

Corporate property not to exceed \$1,000,000.

SECTION 1. The United States Hotel Company, a corporation established under the name of the Proprietors of the City Hotel in Boston by chapter one hundred and three of the acts of the year eighteen hundred and twenty-four, may hold corporate property for the purposes of its incorporation to an amount not exceeding one million dollars.

Voting at meetings of corporation.

SECTION 2. Section six of said chapter, relative to the powers of members of said corporation in voting at meetings thereof, is hereby amended by striking out the words "provided that no one proprietor shall have more than thirty votes."

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

Approved March 7, 1889.

Chap. 83 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE CENTRAL DISTRICT COURT OF WORCESTER.

Be it enacted, etc., as follows :

Salary of clerk established.

SECTION 1. The salary of the clerk of the central district court of Worcester shall be twenty-two hundred and fifty dollars per annum, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

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

Approved March 7, 1889.

AN ACT RELATING TO THE OWNERSHIP OF REAL ESTATE FOR THE PURPOSE OF TAXATION. *Chap. 84*

Be it enacted, etc., as follows :

SECTION 1. Section thirteen of chapter eleven of the Public Statutes is hereby amended by inserting after the word "taxes" in the first line thereof the words :— on real estate, —and by striking out in the second line of said section the words "of record as owners of real estate" and inserting in place thereof the words :— in the records of the county where the real estate lies as the owners thereof on the first day of May, even if deceased, —so as to read as follows :— *Section 13.* For the purpose of assessing and collecting taxes on real estate the persons appearing in the records of the county where the real estate lies as the owners thereof on the first day of May, even if deceased, shall be held to be the true owners thereof. Taxes on real estate shall be assessed, in the city or town where the estate lies, to the person who is either the owner or in possession thereof on the first day of May. Mortgagors of real estate shall, for the purposes of taxation, except as provided in the three following sections, be deemed owners until the mortgagee takes possession, after which the mortgagee shall, except as provided in said sections, be deemed the owner.

Assessment and collection of taxes upon real estate.

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

Approved March 7, 1889.

AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE IN THE OFFICE OF THE TREASURER OF THE COUNTY OF MIDDLESEX. *Chap. 85*

Be it enacted, etc., as follows :

SECTION 1. The treasurer of the county of Middlesex shall be allowed for clerical assistance a sum not exceeding five hundred dollars in any one year, upon his certificate that the work was actually performed and was necessary, with the time occupied and the names of the person or persons by whom the work was performed, such sum to be approved by the county commissioners by a writing signed by them, and to be paid from the county treasury, monthly, to the person or persons employed.

Clerical assistance for treasurer of Middlesex county.

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

Approved March 8, 1889.

Chap. 86

AN ACT RELATING TO DEPOSITS IN SAVINGS BANKS.

*Be it enacted, etc., as follows:*Deposits in
savings banks.

SECTION 1. Section nineteen of chapter one hundred and sixteen of the Public Statutes is hereby amended by inserting after the words "or charitable corporations" the words:— or to deposits made by direction of a probate court by virtue of the sixteenth section of the one hundred and forty-fourth chapter of the Public Statutes, — so as to read as follows:— *Section 19.* Every such corporation may receive deposits from any person until they amount to one thousand dollars; and may allow interest upon such deposits, and upon the interest accumulated thereon, until the principal, with the accrued interest, amounts to sixteen hundred dollars; and thereafter upon no greater sum than sixteen hundred dollars; but the limitations contained in this section shall not apply to deposits by religious or charitable corporations, or to deposits made by direction of a probate court by virtue of the sixteenth section of the one hundred and forty-fourth chapter of the Public Statutes.

Amount
limited.

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

*Approved March 8, 1889.**Chap. 87*

AN ACT TO AMEND THE CHARTER OF THE OLD LADIES' HOME ASSOCIATION.

*Be it enacted, etc., as follows:*Board of
managers to
be elected.

SECTION 1. The Old Ladies' Home Association, incorporated by chapter one hundred and forty of the acts of the year eighteen hundred and fifty-six and amended by chapter two hundred and sixty-four of the acts of the year eighteen hundred and sixty-five, shall elect annually, by vote of the members thereof, twenty-one members who shall be denominated the board of managers, and they shall hold office for the term of one year and until their successors are duly elected.

Notice of
meeting of
corporation.

SECTION 2. A notice of a special or annual meeting of said corporation to the board of managers shall be deemed a lawful notice to all of the members of said corporation.

Real and
personal estate.

SECTION 3. Said corporation is authorized to take and hold real and personal estate to an amount not exceeding two hundred and fifty thousand dollars.

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

Approved March 8, 1889.

AN ACT REQUIRING SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO MAKE AN ACCURATE TRIAL BALANCE OF THEIR DEPOSITORS' LEDGERS. *Chap. 88*

Be it enacted, etc., as follows:

SECTION 1. Every savings bank and institution for savings shall, as often as once in each of its fiscal years, make an accurate trial balance of its depositors' ledgers. Trial balance of depositors' ledgers.

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

Approved March 8, 1889.

AN ACT RELATING TO THE USE OF BUILDINGS IN THE CITY OF BOSTON FOR STABLES. *Chap. 89*

Be it enacted, etc., as follows:

SECTION 1. No person shall hereafter occupy or use any building in the city of Boston for a stable unless first authorized thereto by the board of health of said city, and in such case only to the extent so authorized, provided that this act shall not prevent any such occupation and use authorized by law at the time of the passage of this act, to the extent so authorized. Use of stables in Boston regulated.

SECTION 2. Any person violating any provision of this act shall be liable to a fine not exceeding five dollars for each and every day that such violation continues, and any court having jurisdiction in equity may restrain such use and occupation. Penalties.

SECTION 3. Chapter three hundred and sixty-nine of the acts of the year eighteen hundred and sixty-nine, chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-eight and all acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

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

Approved March 8, 1889.

AN ACT TO FURTHER PROVIDE FOR THE SUPPORT OF THE CRIMINAL INSANE BY THE COMMONWEALTH. *Chap. 90*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and forty-eight of the acts of the year eighteen hundred and eighty-three is hereby amended by inserting in the sixth line of said section after the word "therein" the words:— or in any state charitable institution to which he may be transferred,— so as to read as follows:— Support of the criminal insane. Amendment to 1883, 148, § 2.

Section 2. When a person held in prison on a charge of felony is committed to a state lunatic hospital under the provisions of sections fifteen or thirty of chapter two hundred and thirteen or of sections sixteen, nineteen or twenty of chapter two hundred and fourteen of the Public Statutes, the charges for his support therein, or in any state charitable institution to which he may be transferred, shall be paid by the Commonwealth.

Amendment to
1883, 148, § 3.

SECTION 2. Section three of said chapter one hundred and forty-eight is hereby amended by inserting after the word "commitments" in the second line thereof the words:—and transfers,—so as to read as follows:—

Section 3. The provisions of this act shall apply to such commitments and transfers already made.

Approved March 8, 1889.

Chap. 91 AN ACT IN ADDITION TO AN ACT RELATIVE TO THE LOCATION IN WHICH A SAVINGS BANK OR INSTITUTION FOR SAVINGS MAY TRANSACT ITS PRINCIPAL BUSINESS.

Be it enacted, etc., as follows:

Annual meet-
ings and meet-
ings of trustees.

SECTION 1. Section one of chapter two hundred and fifty-three of the acts of the year eighteen hundred and eighty-four is hereby amended by adding to said section at the end thereof the following words:—*provided, however,* that its annual meeting and meetings of its trustees may be held at other places in the city or town where it is located.

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

Approved March 11, 1889.

Chap. 92 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE MUNICIPAL COURT OF THE WEST ROXBURY DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Salary of clerk.

SECTION 1. The salary of the clerk of the municipal court of the West Roxbury district of the city of Boston shall be eight hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

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

Approved March 11, 1889.

AN ACT TO PROVIDE FOR THE FURTHER IMPROVEMENT OF THE COMMONWEALTH'S FLATS AT SOUTH BOSTON. *Chap. 93*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of enforcing and executing the provisions and requirements of existing laws relating to the Commonwealth's flats at South Boston, and for the payment of money which may be needed to carry out the provisions of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five, the sum of five hundred thousand dollars is hereby appropriated from the Commonwealth's flats improvement fund, established by chapter two hundred and thirty-seven of the acts of the year eighteen hundred and seventy-eight, in addition to the amount now in said fund.

Commonwealth's flats at South Boston; \$500,000 appropriated.

SECTION 2. In order to increase the amount of moneys in said improvement fund available for the purposes aforesaid, and in anticipation of receipts from sales or use of the Commonwealth lands at South Boston, there shall be paid out of the treasury of the Commonwealth, from time to time, into the Commonwealth's flats improvement fund, such sums of money as may be required under this act; but the amount so paid before the first day of July in the year eighteen hundred and eighty-nine shall not exceed seventy-five thousand dollars.

Money to be paid, from time to time, as required.

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

Approved March 11, 1889.

AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO MAINTAIN A BRIDGE OVER THE NORTH CANAL OF THE ESSEX COMPANY ON UNION STREET IN SAID CITY. *Chap. 94*

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence is hereby authorized and required hereafter to maintain and keep in good repair a sufficient bridge over the north canal of the Essex Company where said canal crosses Union street in said city; and the said Essex Company is hereby relieved and discharged from all duty and liability imposed upon said company, by the fourth section of chapter one hundred and sixty-three of the acts of the year eighteen hundred and forty-five or any act in addition thereto, to make and maintain such bridge.

City of Lawrence to maintain a bridge over the north canal of the Essex Company.

Agreement of indenture ratified and confirmed.

SECTION 2. The agreement of indenture executed by and between the said city of Lawrence and the said Essex Company on the sixteenth day of October in the year eighteen hundred and eighty-eight, providing for the maintenance of such bridge by the said city of Lawrence and the discharge of the said Essex Company from all further duty or liability in respect thereto, is hereby ratified and confirmed.

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

Approved March 11, 1889.

Chap. 95 AN ACT AUTHORIZING THE TRANSFER OF THE PROPERTY OF THE FEMALE AUXILIARY BIBLE SOCIETY OF BOSTON AND VICINITY, AND THE DISSOLUTION OF THE CORPORATION.

Be it enacted, etc., as follows:

May transfer funds and property to the Massachusetts Bible Society.

SECTION 1. The Female Auxiliary Bible Society of Boston and Vicinity, a corporation established by chapter thirty of the acts of the year eighteen hundred and thirty-four, is hereby authorized and empowered to transfer, convey and pay over to the Massachusetts Bible Society, a corporation duly organized under the laws of the Commonwealth, all its funds and property of whatsoever nature; to be had and held by the said Massachusetts Bible Society for the same charitable uses and purposes for which they are now held by the said Female Auxiliary Bible Society of Boston and Vicinity.

Female Auxiliary, etc., of Boston, etc., may be dissolved upon transfer of property.

SECTION 2. When the transfer, conveyance and payment authorized by section one of this act has been duly made, the said Female Auxiliary Bible Society of Boston and Vicinity may dissolve itself by duly passing a vote for that purpose, and filing with the secretary of the Commonwealth within thirty days of the passage thereof a copy of such vote duly certified by the clerk of said society; and upon the passage of such vote and filing of a copy thereof as aforesaid, the said corporation shall cease to exist except only for the time and purpose set forth in section forty-one of chapter one hundred and five of the Public Statutes.

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

Approved March 11, 1889.

AN ACT TO CHANGE THE NAME OF THE NEWBURYPORT GAS COMPANY. *Chap. 96*

Be it enacted, etc., as follows :

SECTION 1. The name of the Newburyport Gas Company, incorporated by chapter one hundred and forty-seven of the acts of the year eighteen hundred and fifty, is hereby changed to the Newburyport Gas and Electric Company. Name changed.

SECTION 2. This act shall take effect upon its passage.
Approved March 11, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF FITCHBURG. *Chap. 97*

Be it enacted, etc., as follows :

SECTION 1. The salary of the justice of the police court of Fitchburg shall be fifteen hundred dollars per annum, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine. Salary of justice.

SECTION 2. This act shall take effect upon its passage.
Approved March 11, 1889.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SUPERINTENDENT OF STREETS IN TOWNS. *Chap. 98*

Be it enacted, etc., as follows :

SECTION 1. As soon after the annual town meeting as may be, the board of selectmen shall appoint some suitable person to be a superintendent of streets, who shall serve during the year and until his successor is appointed and qualified in his stead. Superintendent of streets to be appointed by the selectmen of towns.

SECTION 2. Said superintendent of streets shall, under the direction of the selectmen, have full charge of all repairs and labor required of towns upon streets, ways, bridges and sidewalks, and the care and preservation of shade trees, and in relation thereto shall have all the powers and be subject to the duties, liabilities and penalties now or hereafter imposed upon surveyors of highways. To have full charge of repairs and labor upon streets.

SECTION 3. In towns where no other provision is made, said superintendent of streets shall have full charge of all repairs required of towns upon sewers and drains, and in relation thereto shall have the same powers and be subject to the same duties, liabilities and penalties as are Repairs upon sewers and drains.

imposed upon said superintendent in section two of this act, in relation to the repairs of streets, ways, sidewalks and bridges.

Removal from office.

SECTION 4. When in the judgment of the selectmen the best interests of the town so requires, said superintendent may be removed from his office by said board; and whenever a vacancy shall occur in the office of superintendent of streets, either by removal, resignation or otherwise, the board of selectmen shall appoint some suitable person to fill the vacancy, who shall hold his office until his successor is appointed and qualified in his stead.

Vacancy.

To be sworn.

SECTION 5. Said superintendent shall be sworn to the faithful discharge of his duties, and shall receive such compensation for his services as the board of selectmen or town may by vote determine.

Certain towns exempt from provisions of act.
See 1889, 178, §1.

SECTION 6. Any town which has accepted or shall hereafter accept the provisions of chapter one hundred and fifty-eight of the acts of the year eighteen hundred and seventy-one or of sections seventy-five, seventy-six, seventy-seven and seventy-eight of chapter twenty-seven of the Public Statutes shall be exempt from the provisions of this act, until such acceptance is revoked by such town.

Repeal.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take effect.

SECTION 8. This act shall take effect in the several towns of this Commonwealth from and after the next annual meeting for the election of town officers which may be held subsequent to its passage.

Approved March 11, 1889.

Chap. 99 AN ACT TO AUTHORIZE THE CITY OF QUINCY TO PAY CERTAIN ENGINEERS AND VOLUNTEER FIREMEN.

Be it enacted, etc., as follows:

May pay certain engineers and volunteer firemen.

SECTION 1. The city of Quincy is hereby authorized to raise by taxation a sum of money not exceeding twenty-seven hundred and thirty dollars, and to appropriate the same to the payment of the engineers and volunteer firemen of said city for services rendered and to be rendered during the year ending on the first day of May in the year eighteen hundred and eighty-nine: *provided*, the same shall be appropriated at a meeting of the city coun-

oil of said city by a two-thirds vote of the members of said council present and voting.

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

Approved March 11, 1889.

AN ACT RELATING TO THE ADMISSION OF DYING DECLARATIONS AS EVIDENCE IN CERTAIN CASES. Chap.100

Be it enacted, etc., as follows:

SECTION 1. In criminal prosecutions under and for violation of the provisions of section nine of chapter two hundred and seven of the Public Statutes, where the death of the woman is alleged to have resulted from the means therein described, the dying declarations of such woman shall be admissible in evidence. Certain dying declarations to be admissible as evidence.

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

Approved March 11, 1889.

AN ACT CONCERNING THE EMPLOYMENT OF CLERKS AND OTHER ASSISTANCE IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH. Chap.101

Be it enacted, etc., as follows:

SECTION 1. The secretary of the Commonwealth may employ, at an expense not exceeding twelve thousand dollars a year, a messenger and such additional clerks and other assistance as may be necessary for the despatch of public business: *provided*, that no person so employed shall receive compensation or salary at a rate exceeding twelve hundred dollars a year. Clerks and messenger.

SECTION 2. Section one of chapter fifteen of the acts of the year eighteen hundred and eighty-four is hereby repealed. Repeal of 1884, 15, § 1.

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

Approved March 11, 1889.

AN ACT TO CHANGE THE NAME OF THE OAKLAND GARDEN ASSOCIATION AND TO GRANT CERTAIN POWERS AND PRIVILEGES TO SAID CORPORATION. Chap.102

Be it enacted, etc., as follows:

SECTION 1. The name of The Oakland Garden Association, a corporation organized under the general laws of the Commonwealth, is hereby changed to Franklin Park Land and Improvement Company. Name changed.

Par value of
shares reduced.

SECTION 2. The par value of shares in the capital stock of said corporation is hereby reduced from one hundred dollars to twenty-five dollars. The holders of the present stock of said corporation shall receive four shares of said par value of twenty-five dollars each in exchange for each share now held by them; and all shares issued upon any increase of capital stock shall be of said par value of twenty-five dollars each.

May purchase
additional
real estate.

SECTION 3. Said corporation may purchase from time to time such additional real estate in wards twenty, twenty-one, twenty-three and twenty-four of 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, from time to time, erect such dwelling-houses and other buildings upon and make such other improvements on or for the benefit of the lands now owned or hereafter acquired by it, as its directors shall deem expedient; 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 four hundred thousand dollars, making its whole capital stock, including that authorized by chapter one hundred and sixty-eight of the acts of the year eighteen hundred and eighty-seven, not to exceed five hundred thousand dollars.

SECTION 4. This act is in addition to said chapter one hundred and sixty-eight of the acts of the year eighteen hundred and eighty-seven, and shall take effect upon its passage.

Approved March 12, 1889.

Chap. 103 AN ACT TO ESTABLISH THE POLLS AND ESTATES OF THE SEVERAL CITIES AND TOWNS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Basis of
apportionment
for state and
county taxes.

SECTION 1. The number of polls, the amount of property, and the proportion of every one thousand dollars of state tax, including polls at one-tenth of a mill each, for each city and town in the several counties of the Commonwealth, as contained in the schedule hereunto annexed, are hereby established, and shall constitute a basis of apportionment for state and county taxes until another is made and enacted by the legislature, to wit: —

Polls, Property and Apportionment of State and County Tax of \$1,000.

BARNSTABLE COUNTY.

Barnstable county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Barnstable,	1,067	\$3,447,840 00	\$1 61
Bourne,	417	1,132,533 00	54
Brewster,	243	581,919 00	28
Chatham,	600	758,688 00	39
Dennis,	817	1,535,777 00	75
Eastham,	168	251,082 00	13
Falmouth,	763	4,921,891 00	2 23
Harwich,	823	1,089,027 00	56
Mashpee,	75	152,356 00	07
Orleans,	344	624,271 00	31
Provincetown,	1,356	2,190,395 00	1 09
Sandwich,	508	997,570 00	49
Truro,	271	310,300 00	16
Wellfleet,	416	710,697 00	35
Yarmouth,	538	1,571,173 00	74
Total,	8,406	\$20,275,519 00	\$9 70

BERKSHIRE COUNTY.

Berkshire county.

Adams,	2,013	\$3,961,432 00	\$1 93
Alford,	98	296,327 00	14
Becket,	305	438,863 00	22
Cheshire,	400	791,338 00	39
Clarksburg,	182	205,206 00	11
Dalton,	519	2,147,241 00	99
Egremont,	240	439,276 00	22
Florida,	137	189,766 00	10
Great Barrington,	1,188	3,423,081 00	1 61
Hancock,	156	424,283 00	20
Hinsdale,	456	761,003 00	38
Lanesborough,	359	575,696 00	29
Lee,	941	2,592,116 00	1 23
Lenox,	599	2,561,736 00	1 18
Monterey,	138	238,071 00	12
Mount Washington,	47	79,193 00	04
New Ashford,	54	80,699 00	04
New Marlborough,	381	645,019 00	32
North Adams,	4,465	5,772,155 00	2 97
Otis,	176	220,167 00	11
Peru,	102	121,914 00	06

BERKSHIRE COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Pittsfield,	4,784	\$10,467,916 00	\$5 05
Richmond,	206	523,286 00	25
Sandisfield,	247	389,314 00	19
Savoy,	165	177,065 00	09
Sheffield,	489	996,849 00	48
Stockbridge,	536	3,240,174 00	1 47
Tyringham,	121	240,139 00	12
Washington,	127	195,351 00	10
West Stockbridge,	450	701,908 00	35
Williamstown,	823	2,039,883 00	97
Windsor,	171	207,874 00	11
Total,	21,075	\$45,144,341 00	\$21 83

Bristol county.

BRISTOL COUNTY.

Acushnet,	246	\$695,498 00	\$0 33
Attleborough,	1,858	3,987,919 00	1 93
Berkley,	269	460,008 00	23
Dartmouth,	843	2,254,183 00	1 07
Dighton,	481	821,877 00	41
Easton,	1,141	4,643,575 00	2 14
Fairhaven,	617	1,756,682 00	83
Fall River,	16,135	47,459,825 00	22 36
Freetown,	387	963,196 00	46
Mansfield,	890	1,391,501 00	70
New Bedford,	9,424	37,533,876 00	17 35
North Attleborough,	1,691	3,752,244 00	1 81
Norton,	417	850,356 00	41
Raynham,	372	975,045 00	46
Rehoboth,	470	733,749 00	37
Seekonk,	318	826,912 00	39
Somerset,	629	1,110,030 00	55
Swansey,	379	794,192 00	38
Taunton,	6,615	18,628,560 00	8 80
Westport,	631	1,447,938 00	70
Total,	43,813	\$131,087,166 00	\$61 68

County of
Dukes county.

COUNTY OF DUKES COUNTY.

Chilmark,	137	\$235,840 00	\$0 12
Cottage City,	239	1,411,677 00	64
Edgartown,	383	783,089 00	38

COUNTY OF DUKES COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Gay Head,	35	\$19,529 00	‡0 01
Gosnold,	31	201,705 00	09
Tisbury,	442	860,034 00	42
Total,	1,267	\$3,511,874 00	‡1 66

ESSEX COUNTY.

Essex county.

Amesbury,	2,637	\$4,147,098 00	‡2 08
Andover,	1,256	6,376,182 00	2 91
Beverly,	2,750	15,541,303 00	7 07
Boxford,	214	678,501 00	32
Bradford,	900	1,810,238 00	88
Danvers,	1,835	4,045,203 00	1 95
Essex,	467	972,376 00	47
Georgetown,	575	1,029,304 00	51
Gloucester,	5,880	13,671,259 00	6 56
Groveland,	575	912,744 00	46
Hamilton,	238	946,053 00	44
Haverhill,	6,726	17,476,388 00	8 31
Ipswich,	925	2,442,982 00	1 16
Lawrence,	10,712	29,563,008 00	13 99
Lynn,	14,887	34,333,007 00	16 49
Lynnfield,	209	568,364 00	27
Manchester,	466	8,010,844 00	3 55
Marblehead,	2,408	4,654,998 00	2 28
Merrimac,	814	1,381,722 00	69
Methuen,	1,183	3,137,889 00	1 49
Middleton,	262	566,562 00	27
Nahant,	173	6,386,287 00	2 81
Newbury,	401	1,162,702 00	55
Newburyport,	3,887	9,536,640 00	4 56
North Andover,	985	3,193,475 00	1 49
Peabody,	2,425	7,678,575 00	3 60
Rockport,	1,157	2,165,107 00	1 06
Rowley,	406	589,656 00	30
Salem,	8,276	29,292,287 00	13 63
Salisbury,	352	570,156 00	28
Saugus,	994	2,372,237 00	1 14
Swampscott,	666	4,952,289 00	2 23
Topsfield,	277	1,107,185 00	51
Wenham,	267	563,223 00	27
West Newbury,	530	1,054,525 00	51
Total,	76,715	‡222,890,369 00	‡105 09

Franklin
county.

FRANKLIN COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Ashfield.	287	\$487,706 00	\$0 24
Bernardston.	228	479,429 00	23
Buckland.	429	532,455 00	28
Charlemont.	288	350,286 00	18
Colrain.	415	576,535 00	29
Conway.	386	818,858 00	40
Deerfield.	795	1,283,256 00	64
Erving.	281	338,391 00	18
Gill.	234	443,724 00	22
Greenfield.	1,479	5,407,288 00	2 51
Hawley.	157	155,397 00	08
Heath.	144	165,227 00	09
Leverett.	242	280,310 00	15
Leyden.	97	179,433 00	09
Monroe.	87	71,217 00	04
Montague.	1,600	3,245,969 00	1 58
New Salem.	216	294,078 00	15
Northfield.	425	823,209 00	40
Orange.	1,285	2,266,260 00	1 12
Rowe.	203	199,158 00	11
Shelburne.	414	929,412 00	45
Shutesbury.	127	150,088 00	08
Sunderland.	195	481,664 00	21
Warwick.	158	300,274 00	15
Wendell.	147	198,702 00	10
Whately.	258	471,028 00	23
Total.	10,577	\$20,888,382 00	\$10 20

Hampden
county.

HAMPDEN COUNTY.

Agawam.	573	\$1,288,569 00	\$0 62
Blandford.	224	384,409 00	19
Brimfield.	318	593,631 00	25
Chester.	465	657,961 00	33
Chicopee.	2,565	6,378,785 00	3 04
Granville.	296	373,558 00	19
Hampden.	229	401,730 00	20
Holland.	54	104,795 00	05
Holyoke.	7,504	20,007,410 00	9 49
Longmeadow.	887	1,272,518 00	64
Ludlow.	493	828,157 00	40
Monson.	970	1,766,176 00	87
Montgomery.	88	136,489 00	07
Palmer.	1,490	2,796,515 00	1 33
Russell.	188	449,612 00	21
Southwick.	269	575,295 00	28

HAMPDEN COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Springfield,	11,511	\$44,529,536 00	\$20 61
Tolland,	102	159,154 00	08
Wales,	251	278,608 00	15
West Springfield,	1,264	3,679,487 00	1 73
Westfield,	2,585	7,206,300 00	3 41
Wilbraham,	419	649,824 00	33
Total,	32,545	\$94,329,459 00	\$44 47

HAMPSHIRE COUNTY.

Hampshire
county.

Amherst,	1,032	\$3,206,529 00	\$1 50
Belchertown,	556	846,056 00	43
Chesterfield,	190	299,621 00	15
Cummington,	203	309,475 00	16
Easthampton,	914	2,580,725 00	1 22
Enfield,	286	842,354 00	40
Goshen,	84	132,543 00	07
Granby,	202	511,691 00	24
Greenwich,	167	343,135 00	17
Hadley,	470	1,084,126 00	52
Hatfield,	352	1,014,936 00	48
Huntington,	354	491,920 00	25
Middlefield,	107	292,312 00	14
Northampton,	2,995	9,911,241 00	4 63
Pelham,	121	165,565 00	08
Plainfield,	140	151,699 00	08
Prescott,	137	177,361 00	09
South Hadley,	1,058	1,974,829 00	97
Southampton,	266	505,198 00	25
Ware,	1,488	4,666,929 00	2 19
Westhampton,	135	264,766 00	13
Williamsburg,	500	962,519 00	47
Worthington,	201	304,414 00	15
Total,	11,958	\$31,039,944 00	\$14 77

MIDDLESEX COUNTY.

Middlesex
county.

Acton,	594	\$1,393,411 00	\$0 67
Arlington,	1,502	5,884,630 00	2 72
Ashby,	263	488,574 00	24
Ashland,	683	1,365,307 00	66
Ayer,	647	1,292,605 00	63
Bedford,	270	915,544 00	43
Belmont,	504	3,579,795 00	1 61

MIDDLESEX COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, Includ'g Polls at one-tenth of a mill each.
Billerica,	592	\$1,980,764 00	\$0 92
Boxborough,	108	251,752 00	12
Burlington,	176	498,353 00	24
Cambridge,	17,552	66,817,990 00	30 96
Carlisle,	139	401,845 00	19
Chelmsford,	649	1,774,169 00	84
Concord,	978	3,996,011 00	1 84
Dracut,	466	1,304,167 00	62
Dunstable,	124	322,423 00	15
Everett,	2,308	6,077,978 00	3 15
Framingham,	2,644	7,869,012 00	3 70
Groton,	512	3,141,249 00	1 42
Holliston,	752	1,603,240 00	78
Hopkinton,	1,120	2,271,495 00	1 10
Hudson,	1,262	2,267,611 00	1 12
Lexington,	824	3,538,925 00	1 63
Lincoln,	282	1,755,034 00	80
Littleton,	305	849,273 00	40
Lowell,	18,413	61,940,916 00	28 52
Malden,	5,678	17,168,571 00	8 07
Marlborough,	3,283	5,653,985 00	2 80
Maynard,	760	2,084,431 00	99
Medford,	2,709	11,366,333 00	5 24
Melrose,	2,118	6,243,098 00	2 94
Natick,	2,578	5,435,896 00	2 63
Newton,	5,870	37,623,507 00	17 03
North Reading,	241	501,151 00	24
Pepperell,	866	1,811,146 00	88
Reading,	945	2,676,686 00	1 26
Sherborn,	331	898,103 00	43
Shirley,	293	661,616 00	32
Somerville,	9,371	20,384,333 00	13 78
Stonham,	1,716	3,326,564 00	1 63
Stow,	273	953,082 00	44
Sudbury,	349	1,163,453 00	54
Tewksbury,	451	1,454,409 00	68
Townsend,	505	1,071,125 00	52
Tyngsborough,	185	397,694 00	19
Wakefield,	1,850	4,569,080 00	2 18
Waltham,	4,721	13,827,879 00	6 52
Watertown,	1,811	7,522,473 00	3 47
Wayland,	615	1,566,088 00	75
Westford,	525	1,197,080 00	58
Weston,	468	2,712,371 00	1 23
Wilmington,	329	652,842 00	32
Winchester,	1,166	4,875,040 00	2 25
Woburn,	3,672	9,020,403 00	4 31
Total,	107,348	\$359,100,512 00	\$167 68

NANTUCKET COUNTY.

Nantucket
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Nantucket,	888	\$3,220,702 00	§1 50

NORFOLK COUNTY.

Norfolk county.

Avon,	404	\$529,980 00	§0 27
Bellingham,	323	607,053 00	30
Braintree,	1,256	3,680,719 00	1 73
Brookline,	2,722	48,419,851 00	21 43
Canton,	1,201	4,058,146 00	1 89
Cohasset,	606	5,343,200 00	2 40
Dedham,	1,773	5,798,550 00	2 71
Dover,	168	732,697 00	34
Foxborough,	713	1,455,126 00	71
Franklin,	1,103	2,400,825 00	1 16
Holbrook,	705	1,487,861 00	72
Hyde Park,	2,481	7,157,206 00	3 38
Medfield,	447	1,231,948 00	58
Medway,	786	1,431,748 00	70
Millis,	220	497,878 00	24
Milton,	911	15,785,978 00	6 99
Needham,	755	2,137,624 00	1 01
Norfolk,	250	482,458 00	24
Norwood,	1,034	2,384,633 00	1 15
Quincy,	4,096	10,258,618 00	4 89
Randolph,	1,176	2,464,751 00	1 19
Sharon,	378	1,291,433 00	60
Stoughton,	1,238	2,186,640 00	1 08
Walpole,	762	1,859,599 00	89
Wellesley,	716	6,082,298 00	2 73
Weymouth,	2,954	6,511,741 00	3 14
Wrentham,	694	1,424,721 00	69
Total,	29,872	\$137,703,282 00	§63 16

PLYMOUTH COUNTY.

Plymouth
county.

Abington,	1,263	\$2,220,663 00	§1 10
Bridgewater,	968	2,543,640 00	1 21
Brockton,	7,115	15,370,781 00	7 43
Carver,	218	688,121 00	32
Duxbury,	506	1,423,712 00	67
East Bridgewater,	840	1,646,752 00	80
Halifax,	146	252,479 00	12
Hanover,	549	1,258,257 00	60
Hanson,	385	629,150 00	31

PLYMOUTH COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Hingham,	1,128	\$4,174,081 00	/\$1 94
Hull,	188	2,199,974 00	98
Kingston,	475	2,120,675 00	97
Lakeville,	258	505,262 00	25
Marion,	234	1,009,825 00	46
Marshfield,	509	1,217,253 00	58
Mattapoisett,	320	1,631,844 00	75
Middleborough,	1,601	3,311,498 00	1 61
Norwell,	471	1,117,521 00	54
Pembroke,	409	650,296 00	33
Plymouth,	2,119	5,996,512 00	2 83
Plympton,	166	298,081 00	15
Rochester,	218	497,148 00	24
Rockland,	1,508	2,490,721 00	1 24
Scituate,	651	1,946,927 00	92
Wareham,	680	1,845,199 00	87
West Bridgewater,	469	1,047,949 00	50
Whitman,	1,348	2,940,565 00	1 42
Total,	24,742	\$61,034,886 00	\$29 14

Suffolk county.

SUFFOLK COUNTY.

Boston,	120,499	\$816,761,460 00	\$369 01
Chelsea,	7,576	20,407,301 00	9 68
Revere,	1,361	4,632,392 00	2 16
Winthrop,	596	3,049,960 00	1 39
Total,	130,032	\$844,851,113 00	\$382 24

Worcester
county.

WORCESTER COUNTY.

Ashburnham,	600	\$997,182 00	\$0 50
Athol,	1,486	2,830,168 00	1 39
Auburn,	320	494,402 00	25
Barre,	548	1,484,641 00	70
Berlin,	243	502,380 00	24
Blackstone,	1,518	2,462,603 00	1 23
Bolton,	228	502,484 00	24
Boylston,	208	525,198 00	25
Brookfield,	904	1,340,511 00	68
Charlton,	512	970,095 00	48
Clinton,	2,532	5,702,659 00	2 75
Dana,	186	286,423 00	14

WORCESTER COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Douglas,	549	\$1,033,567 00	\$0 51
Dudley,	627	991,148 00	50
Fitchburg,	5,960	15,618,339 00	7 42
Gardner,	2,635	3,983,076 00	2 00
Grafton,	1,216	2,411,695 00	1 18
Hardwick,	734	1,466,024 00	71
Harvard,	341	1,118,111 00	52
Holden,	654	1,114,141 00	55
Hopedale,	347	1,450,126 00	67
Hubbardston,	365	710,427 00	35
Lancaster,	476	3,270,814 00	1 48
Leicester,	815	2,215,393 00	1 05
Leominster,	2,024	4,342,110 00	2 10
Lunenburg,	287	688,992 00	33
Mendon,	270	596,181 00	29
Milford,	2,669	5,125,713 00	2 51
Millbury,	1,136	1,993,443 00	98
New Braintree,	158	440,917 00	21
North Brookfield,	1,305	2,019,672 00	1 01
Northborough,	593	1,357,659 00	65
Northbridge,	1,114	3,234,047 00	1 52
Oakham,	210	346,412 00	17
Oxford,	743	1,464,137 00	71
Paxton,	152	271,720 00	13
Petersham,	280	617,496 00	30
Phillipston,	146	287,312 00	14
Princeton,	286	851,072 00	40
Royalston,	345	749,336 00	36
Rutland,	307	485,025 00	24
Shrewsbury,	418	1,065,714 00	51
Southborough,	618	1,626,862 00	77
Southbridge,	1,580	3,450,404 00	1 67
Spencer,	2,018	4,466,543 00	2 15
Sterling,	368	949,410 00	45
Sturbridge,	493	987,916 00	48
Sutton,	687	1,343,497 00	66
Templeton,	832	1,236,044 00	62
Upton,	543	903,432 00	45
Uxbridge,	881	2,229,046 00	1 06
Warren,	1,297	2,576,060 00	1 26
Webster,	1,738	2,952,781 00	1 46
West Boylston,	665	1,266,417 00	62
West Brookfield,	467	817,143 00	40
Westborough,	1,327	2,686,689 00	1 31
Westminster,	460	801,229 00	40
Winchendon,	1,196	2,032,410 00	1 01
Worcester,	22,866	72,022,040 00	33 76
Total,	74,483	\$181,766,488 00	\$86 88

Recapitulation.

RECAPITULATION BY COUNTIES.

COUNTIES.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Barnstable,	8,406	\$20,275,519 00	§9 70
Berkshire,	21,075	45,144,341 00	21 83
Bristol,	43,813	131,087,166 00	61 68
Dukes,	1,267	3,511,874 00	1 66
Essex,	76,715	222,890,369 00	105 09
Franklin,	10,577	20,888,382 00	10 20
Hampden,	32,545	94,329,459 00	44 47
Hampshire,	11,958	31,039,944 00	14 77
Middlesex,	107,348	359,100,512 00	167 68
Nantucket,	888	3,220,702 00	1 50
Norfolk,	29,872	137,703,282 00	63 16
Plymouth,	24,742	61,034,886 00	29 14
Suffolk,	130,032	844,851,113 00	382 24
Worcester,	74,483	181,766,488 00	86 88
Total,	573,721	§2,156,844,037 00	§1,000 00

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

Approved March 12, 1889.

Chap.104 AN ACT TO ENLARGE THE POWER OF THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE TO HOLD TAXABLE REAL ESTATE.

Be it enacted, etc., as follows :

May accept and sell real estate.

SECTION 1. The President and Fellows of Harvard College may accept, take and hold, and may sell at their discretion, unless expressly forbidden by the terms of gift, any real estate within or without this Commonwealth which has been or may hereafter be given or devised to them for educational purposes; and they may from time to time invest any portion of the property held by them, as they may think judicious, in productive real estate within the Commonwealth, and may sell any such estate at their discretion: *provided, however*, that nothing herein contained shall be construed to give the said corporation any claim to greater exemption from taxation than it now has under the constitution and laws of this Commonwealth.

Proviso.

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

Approved March 13, 1889.

AN ACT TO INCORPORATE THE SAGAMORE CEMETERY ASSOCIATION. *Chap.105*

Be it enacted, etc., as follows :

SECTION 1. Hiram Crowell, Lafayette Gibbs, Edwin C. Swift, Benjamin B. Abbe, Nathan Nye, William R. Gibbs, Charles H. Burgess, 2d, and Isaac N. Keith, their associates and successors, are hereby made a corporation by the name of the Sagamore Cemetery Association, for the purpose of perfecting, controlling and improving the ground set apart, used and known as the cemetery in the village of Sagamore in the town of Bourne. Said corporation shall have all the powers and be 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, except as is otherwise provided in this act.

Sagamore Cemetery Association, incorporated.

Powers and duties.

SECTION 2. The said corporation may take and hold the real estate known as the Sagamore cemetery lot situated in that part of the town of Bourne called Sagamore.

May take certain real estate.

SECTION 3. The said corporation may acquire by gift, devise or purchase, and hold in fee simple so much real estate in the village of Sagamore in the town of Bourne and may also hold so much personal property as may be necessary for the objects connected with and appropriate to the purposes of said corporation.

May hold personal property sufficient for purposes.

SECTION 4. Any person claiming to be aggrieved or damaged by the provisions of this act may at any time within one year after this act takes effect apply by petition to the superior court for the county of Barnstable, and his damages, if any, shall be assessed and determined by and under the direction of said court, and shall be paid by said Sagamore Cemetery Association.

Liability for damages.

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

Approved March 13, 1889.

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE LOCKS AND CANALS ON MERRIMACK RIVER TO DISCONTINUE A PART OF THE LOWER FREE LANDING IN THE CITY OF LOWELL. *Chap.106*

Be it enacted, etc., as follows :

SECTION 1. The second section of chapter one hundred and thirty-two of the acts of the year eighteen hundred and thirty-five, being an act to regulate the toll on Patucket canal, as amended by chapter fifty-six of the

May discontinue a part of the lower free landing in the city of Lowell.

acts of the year eighteen hundred and eighty-two, is hereby so further amended that the proprietors of the locks and canals on Merrimack river shall not be required by force thereof hereafter to maintain any landing place below the swamp locks in the city of Lowell, except that portion of the landing place known as the lower landing which is described as follows, to wit: — Beginning at the southeasterly corner of land conveyed to the city of Lowell by George W. Lyman on or about the twenty-fourth day of February in the year eighteen hundred and thirty-seven, and thence running southwesterly on said land thirty feet; thence at a right angle southeasterly to Patucket canal; thence northeasterly on said canal thirty feet; and thence at a right angle northwesterly to the point of beginning. But nothing in this act shall release said corporation from any duty or obligation which it is now under to maintain as a free landing that portion of said lower landing which is above described, nor impose any duty, obligation or liability not imposed by the first named act.

SECTION 2. This act shall take effect when assented to by the city council of the city of Lowell by concurrent vote of the two branches thereof.

Approved March 13, 1889.

Chap. 107 AN ACT TO INCORPORATE THE CITY HOSPITAL IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

City hospital in Quincy, incorporated. See 1889, 216.

SECTION 1. William B. Rice, John A. Gordon, Charles H. Porter, William L. Faxon, William G. A. Pattee and Herbert M. Federhen, their associates and successors, are hereby made a corporation by the name of the City Hospital in the city of Quincy, for the purpose of establishing and maintaining a hospital for the reception and treatment of persons who may need medical or surgical attendance during temporary sickness or injury.

Real and personal estate.

SECTION 2. Said corporation may receive and hold real and personal estate which may from time to time be given, granted, bequeathed or devised to it, and accepted by the corporation, to an amount not to exceed five hundred thousand dollars, for the uses and purposes of said hospital, provided always that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest.

SECTION 3. The corporation shall consist of the aforesaid incorporators and of such persons as may, at any legal meeting of the corporation, be elected members by ballot. Corporation.

SECTION 4. Said hospital shall be under the care, control and management of a board of trustees, consisting of not less than twelve persons, one of whom shall be the mayor of said city for the time being, ex officio, two of whom shall be elected by ballot on or before the second Monday of January in each year by the city council from the members thereof; the remainder of said board shall be elected by ballot, by and from the members of the corporation, at a meeting duly called for the purpose and held on or before the third Monday of January of each year. Said board of trustees shall hold for the term of one year from the third Monday in January of each year, or until their successors are elected. Said trustees shall annually elect from their number a president, secretary and treasurer, and such other officers as they shall deem fit. Whenever a trustee shall die, resign, refuse to act or become incompetent to discharge the duties of his trust a successor shall be elected by ballot as soon as may be, by the body from which he was elected, for the remainder of the term. Board of trustees to have control and management.

SECTION 5. Within thirty days after the passage of this act the members of the corporation and the city council, respectively, shall elect by ballot the number of members of the board of trustees to which they are respectively entitled; said trustees so elected are to serve until the third Monday of January in the year eighteen hundred and ninety, or until their successors are elected. To be elected by ballot.

SECTION 6. The city of Quincy is hereby authorized to raise by taxation a sum of money, not exceeding one thousand dollars per year, and appropriate the same towards the maintenance and support of said hospital. City may raise money by taxation towards support.

SECTION 7. This act shall take effect upon its passage.

Approved March 13, 1889.

AN ACT ENABLING TOWNS TO AUTHORIZE BOARDS OF HEALTH TO ENFORCE REGULATIONS CONCERNING HOUSE DRAINAGE. Chap. 108

Be it enacted, etc., as follows:

SECTION 1. Any town may authorize its board of health to make and enforce in such town such regulations as said board may deem necessary for the safety and Boards of health may be authorized to regulate house drainage.

health of the people with reference to house drainage and its connection with public sewers, where a public sewer abuts the estate to be drained. Whoever violates any such regulation shall forfeit a sum not exceeding one hundred dollars.

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

Approved March 13, 1889.

Chap.109 AN ACT FOR THE FURTHER PROTECTION, PRESERVATION AND PROPAGATION OF LOBSTERS.

Be it enacted, etc., as follows:

Protection of lobsters.

SECTION 1. Whoever during any season of the year catches or takes, and whoever has in his possession in this Commonwealth, with intent to sell, any female lobster bearing eggs, shall be punished for each offence by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the house of correction for not less than one nor more than three months: *provided, however*, that a person catching and taking any such lobster and immediately returning it alive to the waters from which it was taken, shall not be subject to such penalty; and *provided, also*, that this act shall not apply to lobsters spawning in lobster cars, if they are immediately returned alive to the waters as aforesaid.

Certain provisions to apply to owner of lobster trap.

SECTION 2. The provisions of sections seventy-three, seventy-four and seventy-five of chapter ninety-one of the Public Statutes shall hereafter apply to the owner of any lobster trap or other contrivance for catching lobsters.

Cars to be marked with owners' name and residence.

SECTION 3. All cars or other contrivances used for keeping lobsters shall have the name and residence of the owner or owners legibly marked thereon, under the penalty prescribed in section seventy-five of chapter ninety-one of the Public Statutes.

Scientific investigation of habits of lobsters, etc.

SECTION 4. The commissioners on inland fisheries may occupy and use any small estuaries or creeks within the Commonwealth, not exceeding six in number, for the purpose of scientific investigation of the habits of lobsters and the propagation and distribution of the same: *provided*, that such occupation and use shall not impair the private rights of any person nor materially obstruct any navigable waters. Notice of such occupation shall be conspicuously posted and maintained by said commissioners at the nearest points to said estuaries and creeks,

Notice to be posted.

and shall also be recorded in the registry of deeds in the county where the same are situated.

SECTION 5. Whoever, after the posting and recording of such notice, catches or takes any lobster from any estuary or creek so occupied as aforesaid shall be punished as provided in section one of this act. Penalty.

SECTION 6. Said commissioners may expend a sum not exceeding two thousand dollars for the purposes specified in section four of this act. Not exceeding \$2,000 to be expended.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

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

Approved March 13, 1889.

AN ACT TO ANNEX A PART OF THE TOWN OF STONEHAM TO THE TOWN OF WAKEFIELD. Chap.110

Be it enacted, etc., as follows :

SECTION 1. So much of the town of Stoneham, in the county of Middlesex, as lies within the following named lines, to wit: beginning at a boundary stone in Taylor's pasture on the present line, thence running north sixty-nine degrees, fifty-three minutes west, across a private way and along the present division line between said towns nine hundred ninety-eight and one-half feet; thence south nine degrees and thirty-three minutes east, three thousand five hundred and nine feet to a stake in the southerly line of Elm street; thence south forty-nine degrees and thirty-five minutes east, three thousand one hundred and seventy-two feet to a stone bound on the present line near the southwesterly corner of Crystal lake; and thence by the present division line in a northerly and northwesterly direction to the point of beginning, with all the inhabitants and estates therein, is hereby set off from the town of Stoneham and annexed to and made a part of the town of Wakefield; and said inhabitants shall hereafter be inhabitants of said Wakefield, and shall enjoy all the rights and privileges and be subject to all the duties and liabilities of the inhabitants of said Wakefield. Part of Stoneham annexed to Wakefield.

SECTION 2. The inhabitants and estates within the territory above described and the owners of said estates shall be holden to pay all taxes which have been heretofore legally assessed upon them by the town of Stoneham; and all taxes heretofore assessed and not collected shall Payment of taxes.

be collected and paid to the treasurer of the town of Stoneham in the same manner as if this act had not been passed. And until the next state valuation the town of Wakefield shall annually, on or before the thirty-first day of October, pay to the town of Stoneham the proportion of any state or county tax which the said town of Stoneham may be required to pay upon the inhabitants or estates hereby set off, said proportion to be ascertained and determined by the last valuation next preceding the passage of this act; and the assessors of Stoneham shall make returns of said valuation and the proportion thereof in the towns of Stoneham and Wakefield respectively, to the secretary of the Commonwealth and to the county commissioners of the county of Middlesex.

Support and relief of paupers.

SECTION 3. The said town of Wakefield shall be liable for the relief and support of all persons who now do or shall hereafter stand in need of relief as paupers whose settlements were gained, whether by original acquisition or derivation, by reason of a residence in the territory hereby annexed to said town of Wakefield. The town of Wakefield shall pay to the town of Stoneham annually its proportionate part of the cost hereafter paid by the last named town for the support or relief of paupers whose settlements were acquired therein, or whose settlements were derived from settlements acquired therein, in consequence of military service in the war of the rebellion. The proportion to be paid by said town of Wakefield to be fixed upon the basis of the last valuation preceding the passage of this act.

Election of national, State and county officers.

SECTION 4. Until a new apportionment of representatives shall be made the inhabitants of the territory described in the first section of this act shall, for the purpose of electing state and county officers, members of the executive council, senators and representatives to the general court, electors of president and vice-president of the United States and representatives to congress, remain and continue to be a part of the town of Stoneham; and the inhabitants resident therein qualified to vote shall be entitled to vote for said officers, and shall be eligible to the office of representatives in the town of Stoneham, and shall vote at the place or places at which the inhabitants of Stoneham vote. The registrars of voters of Wakefield shall annually make a true list of all persons

resident in said territory qualified to vote at every such election, and post the same in said territory according to law. They shall also deliver one such list, corrected as required by law, to the selectmen of Stoneham before the time of meeting for election, to be used thereat.

SECTION 5. Within one year from the passage of this act the town of Wakefield shall pay to the town of Stoneham such a proportion of the net debt of the town of Stoneham as the value of the territory annexed to Wakefield under the provisions of this act shall bear to the whole valuation of the town of Stoneham, according to the last annual assessors' valuation previous to the passage of this act.

Payment of town debt.

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

Approved March 13, 1889.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWELVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN RELATIVE TO A GRANT OF MONEY BY THE CONGRESS OF THE UNITED STATES FOR THE SUPPORT OF AGRICULTURAL EXPERIMENTS WITHIN THE COMMONWEALTH.

Chap.111

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and twelve of the acts of the year eighteen hundred and eighty-seven is hereby amended by adding after the word "congress", at the end of said section, the words: — and the Massachusetts agricultural college is hereby authorized and designated to receive said grant of money.

Appropriation made by Congress to be paid to the Massachusetts Agricultural College.

SECTION 2. The governor of the Commonwealth is hereby requested to give due notice of this amendment to the government of the United States.

United States government to be notified.

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

Approved March 13, 1889.

AN ACT RELATING TO THE ELECTION, POWERS AND DUTIES OF TRUSTEES OF FREE PUBLIC LIBRARIES AND READING ROOMS IN TOWNS.

Chap.112

Be it enacted, etc., as follows:

Section two of chapter three hundred and four of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out in lines two and three the words "not exceeding nine in all", so as to read as follows: — *Section 2.* Said board of trustees shall con-

Election, powers and duties of trustees of free public libraries and reading rooms in towns. 1888, 304, § 2.

sist of any number of persons divisible by three which the town may decide to elect, one-third thereof to be elected annually and to continue in office for three years, except that the town shall first elect one-third of the trustees for one year, one-third for two years and one-third for three years, and thereafter one-third the number annually for the term of three years. No person shall be ineligible to serve upon said board of trustees by reason of sex. Such board of trustees shall be elected by ballot, and shall organize annually by the choice of a chairman and secretary from their own number: *provided*, any town having a free public library which has heretofore elected a board of trustees to manage the same consisting of a number divisible by three, and has heretofore elected annually one-third of said board for three years, may continue to elect annually one-third of said board, and the trustees in office shall hold their offices until the term for which they were elected shall expire, unless the town shall vote otherwise. *Approved March 14, 1889.*

Proviso.

Chap.113 AN ACT RELATIVE TO IMPOSING SENTENCES UPON FEMALE CONVICTS.

Be it enacted, etc., as follows:

Sentences upon
female convicts.
Public Statutes
215, § 15.

SECTION 1. Section fifteen of chapter two hundred and fifteen of the Public Statutes is hereby amended by adding at the end thereof the following words:—but nothing herein contained shall be so construed as to prevent the court from imposing as a sentence upon a female convict the same term of imprisonment as might be imposed if the said sentence were to be executed in the state prison,—so as to read as follows:—*Section 15.* When sentence of confinement at hard labor for any term of time is awarded against a female convict of whatever age, the court shall order such sentence to be executed either in the jail, house of correction, or reformatory prison for women, and not in the state prison; but nothing herein contained shall be so construed as to prevent the court from imposing as a sentence upon a female convict the same term of imprisonment as might be imposed if the said sentence were to be executed in the state prison.

SECTION 2. This act shall take effect upon its passage.
Approved March 19, 1889.

AN ACT TO FIX THE PENALTIES FOR VIOLATIONS OF THE LIQUOR *Chap.114*
LAWs.

Be it enacted, etc., as follows:

Section eighteen of chapter one hundred of the Public Statutes is hereby amended by striking out the word "or" in the third line and inserting in place thereof the word:—and,—and by striking out in the fourth line the words "or by both such fine and imprisonment", so as to read as follows:—*Section 18.* Whoever violates any provision of his license or of this chapter shall be punished by fine of not less than fifty nor more than five hundred dollars and imprisonment for not less than one nor more than six months. A licensed person who violates any provision of his license shall, in addition to said penalties, forfeit his license, and be disqualified to hold a license for the period of one year after his conviction; but this section so far as forfeiture of licenses is concerned, shall not apply to licenses of the sixth class; and, if the licensee is the owner of said premises, no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

Punishable by fine and imprisonment.

Approved March 19, 1889.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-THREE *Chap.115*
OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SIX RELATING TO THE ASSESSMENT OF TAXES.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and eighty-three of the acts of the year eighteen hundred and eighty-six is hereby amended by adding at the end thereof the following words:—The assessors of a city may in any year divide any ward in such city into convenient assessment districts.

Ward of a city may be divided into assessment districts.

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

Approved March 19, 1889.

AN ACT TO INCORPORATE THE WAKEFIELD INDUSTRIAL SCHOOL *Chap.116*
COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Daniel G. Walton, Moses P. Parker, William E. Rogers, William Hall Williams and Frank H. March, their associates and successors, are made a corpo-

Wakefield Industrial School Company, incorporated.

ration by the name of the Wakefield Industrial School Company, for the purpose of erecting or purchasing and maintaining a building in the town of Wakefield for the accommodation and purposes of an industrial school wherein may be given instruction in the various mechanical arts and industries, with all the powers and privileges and subject to the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force applicable to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed three thousand dollars, divided into shares of the par value of one dollar each, and said corporation may hold for the purposes aforesaid real and personal estate not exceeding the amount of the capital stock, provided that said corporation shall incur no liability until the whole amount of the capital stock has been subscribed and paid for either in cash or in real estate in accordance with the provisions of section forty-eight of chapter one hundred and six of the Public Statutes.

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

Approved March 19, 1889.

Chap. 117 AN ACT TO DECLARE THE UNION EVANGELICAL RELIGIOUS SOCIETY OF READVILLE A RELIGIOUS CORPORATION AND TO RATIFY AND CONFIRM THE ORGANIZATION AND PROCEEDINGS THEREOF.

Be it enacted, etc., as follows:

Union Evangelical Religious Society of Readville established.

SECTION 1. The religious society organized in Hyde Park in the year eighteen hundred and seventy by the name of the Union Evangelical Religious Society of Readville, upon the proceedings shown by the records thereof, and which said society is still existing in Hyde Park by said name, is hereby declared to be a religious corporation by the name of the Union Evangelical Religious Society of Readville; and the organization and all subsequent proceedings of said society, so far as they appear upon the records of said society, are hereby ratified and confirmed and the same shall be taken to be good and valid to all intents and purposes.

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

Approved March 19, 1889.

AN ACT TO CHANGE THE NAME OF THE FIRST PARISH IN NORTH BRIDGEWATER. Chap.118

Be it enacted, etc., as follows:

SECTION 1. The name of the First Parish in North Bridgewater, a religious society located in Brockton, is hereby changed to the First Parish in Brockton. Name changed to First Parish in Brockton.

SECTION 2. This act shall take effect upon its passage.
Approved March 19, 1889.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BOSTON SOCIETY OF THE NEW JERUSALEM. Chap.119

Be it enacted, etc., as follows:

SECTION 1. The Boston Society of the New Jerusalem, in addition to the power given in the second section of its charter of incorporation and in other acts in addition thereto, may take and hold for religious, charitable and educational purposes, in fee simple or otherwise, by gift, grant, devise or purchase any real or personal estate to an amount not exceeding in all the sum of two hundred and fifty thousand dollars. Real or personal estate not to exceed \$250,000.

SECTION 2. This act shall take effect upon its passage.
Approved March 19, 1889.

AN ACT TO CHANGE THE NAME OF THE SECOND METHODIST EPISCOPAL CHURCH OF NATICK. Chap.120

Be it enacted, etc., as follows:

SECTION 1. The name of the religious society known as the Second Methodist Episcopal Church of Natick is hereby changed to and shall hereafter be the Fisk Memorial Methodist Episcopal Church of Natick. Name changed to Fisk Memorial Methodist Episcopal Church of Natick.

SECTION 2. This act shall take effect upon its passage.
Approved March 19, 1889.

AN ACT TO AUTHORIZE THE UNITARIAN SUNDAY SCHOOL SOCIETY TO HOLD MEETINGS IN ANY PART OF THE UNITED STATES AND TO CONFIRM CERTAIN PROCEEDINGS OF SAID CORPORATION. Chap.121

Be it enacted, etc., as follows:

SECTION 1. The Unitarian Sunday School Society, a corporation established under the general laws of this Commonwealth, is hereby authorized to hold any of its meetings in any state or territory of the United States or in the District of Columbia. May hold meetings in any part of the United States.

Proceedings
ratified.

SECTION 2. All acts and proceedings of the said corporation at any meeting held heretofore in any part of the United States outside of this Commonwealth are hereby ratified and confirmed and shall have the same validity and force as though such meeting had been held within this Commonwealth.

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

Approved March 19, 1889.

Chap.122 AN ACT TO PROVIDE FOR THE HOLDING OF WEEKLY SESSIONS OF THE DISTRICT COURT OF HAMPSHIRE IN THE TOWN OF WARE.

Be it enacted, etc., as follows :

Sessions of the
court in town of
Ware.

SECTION 1. The district court of Hampshire now required, by section three of chapter two hundred and twenty-seven of the acts of the year eighteen hundred and eighty-two, to be held on the first, second and third Fridays of each month in the town of Ware, shall hereafter be held on Friday of each week in said town.

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

Approved March 19, 1889.

Chap.123 AN ACT RELATING TO THE DISCHARGE OF INMATES OF THE STATE INDUSTRIAL AND REFORM SCHOOLS.

Be it enacted, etc., as follows :

Discharge of in-
mates of state
industrial and
reform schools.

Chapter eighty-nine of the Public Statutes is hereby amended by striking out all of section forty-five and inserting in place thereof the following new section:—
Section 45. The trustees may discharge and return to his parents, guardian or protector any boy who, in their judgment, ought not by reason of mental incapacity or bodily infirmity to remain in the school; and they shall discharge and return to her parents, guardian or protector any girl who, in their judgment, ought for any cause to be removed from the school. And in such case the trustees shall make an entry upon their records of the name of such boy or girl, the party to whom he or she was returned, and the date when he or she was discharged from the custody of the school, together with a statement of the reasons for his or her discharge; a copy of which record, signed by their secretary, they shall forthwith transmit to the judge, trial justice or commissioner by whom the boy or girl was committed.

Approved March 19, 1889.

AN ACT RELATING TO ELECTROTYPING THE REPORTS OF THE BUREAU
OF STATISTICS OF LABOR. *Chap.124*

Be it enacted, etc., as follows:

The reports of the bureau of statistics of labor or any part thereof may be electrotyped at the discretion of the chief of said bureau. Reports may be electrotyped.
Approved March 19, 1889.

AN ACT TO INCORPORATE THE BRADFORD FARMERS' AND MECHANICS'
INSTITUTE. *Chap.125*

Be it enacted, etc., as follows:

SECTION 1. Samuel W. Hopkinson, Charles B. Emerson, George W. Ladd, William Cogswell, Harry H. Hale, Thomas Sanders, Fred. G. Richards, Zenas C. Wardwell, O. S. Butler, George W. Chadwick and James C. Poor, their associates and successors within the towns of Bradford, Groveland, Georgetown, Boxford and North Andover and the city of Haverhill, are hereby made a corporation under the name of the Bradford Farmers' and Mechanics' Institute, to be located at Bradford, for the encouragement of agriculture, horticulture and the arts, by the distribution of premiums and otherwise, with 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 applicable to such corporations. And said corporation is hereby authorized to hold real and personal estate to an amount not exceeding twenty-five thousand dollars.

Bradford Farmers' and Mechanics' Institute, incorporated.

SECTION 2. This act shall take effect upon its passage.
Approved March 19, 1889.

AN ACT TO AUTHORIZE THE HOMŒOPATHIC MEDICAL DISPENSARY
TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap.126*

Be it enacted, etc., as follows:

SECTION 1. The Homœopathic Medical Dispensary, incorporated by chapter one hundred and ninety-one of the acts of the year eighteen hundred and fifty-six, is authorized for the purposes set forth in said act to hold real and personal estate to an amount not exceeding two hundred and fifty thousand dollars. May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.
Approved March 19, 1889.

Chap.127 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO LAY OUT AND CONSTRUCT STREETS OR WAYS THROUGH THE REED OR BRIGHTMAN BURIAL GROUND.

Be it enacted, etc., as follows:

May lay out streets through a private burial ground.

SECTION 1. The city of Fall River is hereby authorized to lay out and construct the streets or ways known as High street and Weetamoe street in, upon and through the private burial ground known as the Reed or Brightman burial ground, and situated at and around the intersection of said High street and Weetamoe street as proposed to be laid out: *provided*, that no burial lot in which are buried the remains of the dead shall be entered upon under the provisions of this act until such remains shall have been removed to some other cemetery and duly interred therein, with all headstones as they now exist transferred so as to mark their appropriate graves, without expense to the owner of or persons interested in such burial lot.

Liability for damages.

SECTION 2. Said city shall be liable to the owners of and all parties interested in said burial lot, to pay all damages sustained in their property by the taking of any lands under the provisions of the preceding section. If said owners or any party interested as aforesaid cannot agree with the city upon the amount of said damages, such owners or party may have said damages assessed in the same manner as is provided in case of taking land for highways: *provided*, that any application for a jury to assess said damages shall be made within one year after said damages are sustained.

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

Approved March 19, 1889.

Chap.128 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO LAY OUT AND CONSTRUCT A STREET OR WAY THROUGH THE SNELL BURIAL GROUND.

Be it enacted, etc., as follows:

May lay out a street through private burial ground.

SECTION 1. The city of Fall River is hereby authorized to lay out and construct the street or way known as Lowell street in, upon and through the private burial ground known as the Snell burial ground, situated near the intersection of said Lowell street as proposed to be laid out with Tecumseh street: *provided*, that no burial lot in which are buried the remains of the dead shall be

entered upon under the provisions of this act until such remains shall have been removed to some other cemetery and duly interred therein, with all headstones as they now exist transferred so as to mark their appropriate graves, without expense to the owner of or persons interested in such burial lot.

SECTION 2. Said city shall be liable to the owners of and all parties interested in said burial lot, to pay all damages sustained in their property by the taking of any lands under the provisions of the preceding section. If said owners or any party interested as aforesaid cannot agree with the city upon the amount of said damages, such owners or party may have said damages assessed in the same manner as is provided in case of taking land for highways: *provided*, that any application for a jury to assess said damages shall be made within one year after said damages are sustained.

Liability for damages.

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

Approved March 19, 1889.

AN ACT RELATING TO BUILDINGS IN THE PUBLIC PARKS OF THE CITY OF BOSTON. Chap.129

Be it enacted, etc., as follows:

SECTION 1. The park commissioners of the city of Boston may erect in the parks of said city that now are or hereafter may be under their control, except the common, public garden and public squares, structures for the shelter and refreshment of persons frequenting such parks and for other park purposes, of such materials and in such places as in the opinion of the fire commissioners of said city do not endanger buildings beyond the limits of the park. Section sixteen of chapter fifty-four of the Public Statutes and chapter three hundred and seventy-four of the acts of the year eighteen hundred and eighty-five shall not apply to such buildings.

Certain buildings may be erected in the parks in Boston

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

Approved March 19, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE DISTRICT COURT OF EASTERN HAMPDEN. Chap.130

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the district court of Eastern Hampden shall be twelve hundred dollars

Salary established.

per annum, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

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

Approved March 19, 1889.

Chap.131 AN ACT TO AUTHORIZE THE BOSTON PILOTS' RELIEF SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Real and personal estate not to exceed \$200,000.

SECTION 1. The Boston Pilots' Relief Society, incorporated by chapter ninety-one of the acts of the year eighteen hundred and sixty-six, for the purposes set forth in said act is hereby authorized to hold real and personal estate to an amount not exceeding two hundred thousand dollars.

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

Approved March 19, 1889.

Chap.132 AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-FIVE IN RELATION TO THE BOARD OF OVERSEERS OF HARVARD COLLEGE.

Be it enacted, etc., as follows:

Election of the board of overseers of Harvard College.

SECTION 1. Section two of chapter one hundred and seventy-three of the acts of the year eighteen hundred and sixty-five is amended by striking out all of said section after the word "list" in the eleventh line thereof, and by inserting in place thereof the following: — The names of the persons voted for, and the number of votes received for each person, shall be entered in words at length by said inspectors upon a record kept by them for that purpose, which shall, after such election, be forthwith made up, signed and delivered by them to the board of overseers. The persons who shall receive the highest number of votes for the places in said board shall, to the number of overseers to be elected, be deemed and declared by said board elected to be members thereof for the following terms, to wit: — The five persons receiving the highest number of votes shall be declared elected to the class having the longest term, and in case any vacancy or vacancies exist in any other class or classes, the persons voted for shall be declared elected to such vacancy or vacancies according to the number of votes received by them, the person or persons receiving the next highest number of votes being declared elected to the class having

the next longest term to run, and so on in order for other vacancies. In case by reason of a tie it shall be uncertain to which class any persons should be declared elected, the board of overseers shall by vote determine to which classes the persons receiving the same number of votes shall be assigned.

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

Approved March 19, 1889.

AN ACT TO CHANGE THE NAME OF THE A. C. BARNES WHIP COMPANY.

Chap. 133

Be it enacted, etc., as follows:

SECTION 1. The name of the A. C. Barnes Whip Company is hereby changed to the Massasoit Whip Company.

Name changed.

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

Approved March 19, 1889.

AN ACT TO INCORPORATE THE AMERICAN HUMANE EDUCATION SOCIETY.

Chap. 134

Be it enacted, etc., as follows:

SECTION 1. George T. Angell, Edmund H. Bennett, Samuel C. Cobb, Henry O. Houghton, Daniel Needham and Samuel E. Sawyer, their associates and successors, are hereby made a corporation by the name of The American Humane Education Society, for the purpose of encouraging and promoting humane education throughout the United States of America, and elsewhere, 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 such corporations; with authority to hold real and personal estate for the purposes of the corporation not exceeding in amount five hundred thousand dollars.

American Humane Education Society, incorporated.

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

Approved March 19, 1889.

AN ACT TO AMEND AN ACT RELATING TO THE EMPLOYMENT OF MINORS WHO CANNOT READ AND WRITE IN THE ENGLISH LANGUAGE.

Chap. 135

Be it enacted, etc., as follows:

Section two of chapter four hundred and thirty-three of the acts of the year eighteen hundred and eighty-seven

Employment of minors who cannot read and

write in the
English lan-
guage.

is hereby amended as follows: in the eighth line thereof, after the word "day", by striking out the words "or evening" and by adding after the word "school" in the same line the following words: — or has not attained an attendance of seventy per cent. or more of the yearly session of the evening school, — so that the section as amended shall read as follows: — *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 years, 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 school, or has not attained an attendance of seventy per cent. or more of the yearly session of the 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.

Approved March 19, 1889.

Chap.136 AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows:

Allowance for
clerical assist-
ance.

SECTION 1. The register of probate and insolvency for the county of Bristol shall be allowed annually, in addition to the amount now allowed by law, a sum not exceeding four hundred dollars 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 March 19, 1889.

Chap.137 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE THIRD DISTRICT COURT OF PLYMOUTH.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The salary of the clerk of the third district court of Plymouth shall be five hundred dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

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

Approved March 19, 1889.

AN ACT TO CHANGE THE NAME OF THE MARLBOROUGH SCHUYLER
ELECTRIC LIGHT COMPANY. *Chap.138*

Be it enacted, etc., as follows:

SECTION 1. The name of The Marlborough Schuyler Electric Light Company, incorporated under the general laws of this Commonwealth, is hereby changed to the Marlborough Electric Company. Name changed.

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

Approved March 19, 1889.

AN ACT TO AUTHORIZE THE BOSTON ART CLUB TO HOLD ADDI-
TIONAL REAL AND PERSONAL ESTATE. *Chap.139*

Be it enacted, etc., as follows:

SECTION 1. The Boston Art Club, incorporated by chapter seventy-three of the acts of the year eighteen hundred and seventy-one, is hereby authorized for the purposes set forth in said act to hold real and personal estate to an amount not exceeding three hundred thousand dollars. Real and personal estate not to exceed \$300,000.

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

Approved March 21, 1889.

AN ACT TO INCORPORATE THE PENTUCKET CLUB OF HAVERHILL. *Chap.140*

Be it enacted, etc., as follows:

SECTION 1. A. Washington Chase, Ira O. Sawyer, David B. Tenney, William E. Blunt and Charles C. Griffin, their associates and successors, are hereby made a corporation by the name of the Pentucket Club, for the purpose of maintaining a club house and reading room in the city of Haverhill, 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. Pentucket Club of Haverhill, incorporated.

SECTION 2. Said corporation for the purpose aforesaid may hold real and personal estate to an amount not exceeding fifty thousand dollars. Real and personal estate not to exceed \$50,000.

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

Approved March 21, 1889.

Chap.141 AN ACT TO INCORPORATE THE DARTMOUTH CLUB OF NEW BEDFORD.

Be it enacted, etc., as follows :

Dartmouth
Club of New
Bedford, incor-
porated.

SECTION 1. Lemuel LeBaron Holmes, Frank A. Milliken, William A. Tucker, Robert C. P. Coggeshall, George F. Tucker, E. Stanley Wills, their associates and successors, are made a corporation by the name of the Dartmouth Club, for the purpose of maintaining a club house and reading room in the city of New Bedford, 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.

Real and per-
sonal estate not
to exceed
\$50,000.

SECTION 2. Said corporation for the purpose aforesaid may hold real and personal estate to an amount not exceeding fifty thousand dollars.

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

Approved March 21, 1889.

Chap.142 AN ACT TO INCORPORATE THE WAMSUTTA CLUB OF NEW BEDFORD.

Be it enacted, etc., as follows :

Wamsutta Club
of New Bedford,
incorporated.

SECTION 1. Francis Hathaway, Charles S. Kelley, Alfred Thornton and Lemuel LeB. Holmes, their associates and successors, are made a corporation by the name of the Wamsutta Club, for the purpose of maintaining a club house and reading room in the city of New Bedford, 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.

Real and per-
sonal 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, and shall have the right to mortgage its property to secure any indebtedness incurred in acquiring the same.

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

Approved March 21, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE SECOND ASSISTANT
CLERK OF THE MUNICIPAL COURT FOR CIVIL BUSINESS OF THE
CITY OF BOSTON. Chap. 143

Be it enacted, etc., as follows :

SECTION 1. The salary of the second assistant clerk of the municipal court for civil business of the city of Boston shall be two thousand dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine. Salary estab-
lished.

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

Approved March 21, 1889.

AN ACT IN AID OF AND RELATING TO AN ADDITIONAL WATER
SUPPLY FOR THE NORTH ADAMS FIRE DISTRICT. Chap. 144

Be it enacted, etc., as follows :

SECTION 1. The North Adams fire district for the purpose of supplying said district, the inhabitants of North Adams, and the inhabitants of that portion of Williamstown lying adjacent and contiguous to the proposed main line of pipe through which the water is to be conducted, with pure water for the extinguishment of fires and for domestic and other purposes, may take by purchase or otherwise, and hold the waters of Broad brook and its tributaries situate in the town of Williamstown, and convey said water through the towns of Williamstown and North Adams, and may also take and hold by gift, purchase or otherwise, any land, rights of way and easements necessary for obtaining, taking and conveying said water and 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 water. May take and
hold waters of
Broad brook in
Williamstown.

SECTION 2. Said fire district 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 chairman of the prudential committee of said fire district. A description of
the land, etc.,
taken to be re-
corded in regis-
try of deeds.

May construct aqueducts, erect dams, etc.

SECTION 3. Said fire district for the purpose aforesaid may construct aqueducts, 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 :

Proviso.

provided, that no dam shall be constructed at a point lower down on the bed of Broad brook than shall be necessary to include, retain and store the water of the James brook, a tributary of said Broad brook, together with the water of said Broad brook, for the purposes set forth in this section ; and 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 fire district 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, under the direction of the boards of selectmen of the towns of North Adams and Williamstown, 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.

May dig up roads, etc., in North Adams and Williamstown.

Liability for damages.

SECTION 4. Said fire district 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. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said fire district 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 shall be made to the

Application for damages not to be made until

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 fire district under the authority of this act.

water is actually diverted.

SECTION 5. The said fire district may distribute the water throughout the limits of said fire district, and throughout that portion of the towns of Williamstown and North Adams lying adjacent or contiguous to the proposed main line of pipe through which water is to be conducted, may regulate the use of said water and establish and collect rates to be paid for the use of the same, and may make such contracts with the town of Williamstown or any water company that now is or any fire district that may hereafter be established therein or with any person or persons or other corporation to supply water for the extinguishment of fires and for domestic and other purposes as may be mutually agreed upon; and if surplus water be supplied by said district to persons or corporations owning property not exempt from taxation, for purposes other than for the extinguishment of fires and for domestic purposes, the quantity of such surplus water so supplied to the persons or corporations desiring the same, shall be substantially in proportion to the amount of taxes paid by such persons or corporations in said town of North Adams and in that portion of the town of Williamstown described in this section.

May distribute water and fix and collect rates for its use.

SECTION 6. All the rights, powers and authority given to the North Adams fire district by this act shall be exercised by said fire district, subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the said fire district shall from time to time ordain, direct and appoint.

Powers and duties.

SECTION 7. 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 said fire district shall have authority to issue, in addition to what is already authorized by law to issue, bonds, notes or scrip to be denominated on the face thereof, North Adams Fire District Water Loan, to an amount not exceeding one hundred and fifty thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be payable at periods of

North Adams Fire District Water Loan not to exceed \$150,000.

not more than thirty years from the issuing of such bonds, notes or scrip respectively, and shall be signed by the treasurer of the fire district, and be countersigned by the chairman of the prudential committee of said fire district. Said fire district 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; 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. 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.

Sinking fund.

May borrow bonds, etc., of the town of North Adams.

SECTION 8. The said fire district may borrow for the purposes mentioned in this act such bonds, notes or scrip of the town of North Adams as said town may issue under the authority of an act of the year eighteen hundred and eighty-nine, entitled, An Act to authorize the town of North Adams to make an additional water loan in aid of the North Adams Fire District; but the amount of such bonds, notes or scrip so borrowed under the authority of said act, together with such bonds, notes or scrip as shall be issued under the provisions of section seven of this act, shall not exceed in the aggregate one hundred and fifty thousand dollars.

To raise by taxation, etc., sufficient to pay interest and current annual expenses.

SECTION 9. The said 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 expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said fire district, and on the bonds, notes and scrip borrowed as aforesaid of the said town of North Adams, and to make such contributions to its sinking fund and payments on the principal as may be required under the provisions of this act.

Construction of authority, etc.

SECTION 10. The authority given to the North Adams Fire District to issue bonds, notes or scrip for the purposes mentioned in this act, and to borrow bonds, notes or scrip of the town of North Adams issued by said town

in aid of the North Adams Fire District, shall be construed to authorize the issue of said bonds, notes or scrip for the purpose of supplying said fire district, and the inhabitants of the town of North Adams, and the inhabitants of said portion of the town of Williamstown with pure water and constructing works suitable and proper for said purposes, whether the water used and supplied shall be obtained from the sources of supply now utilized by said fire district or the sources of supply mentioned in this act or both sources combined: *provided*, that an additional water supply shall be obtained from one or both of said sources and used under and in accordance with the authority conferred by this act. Proviso.

SECTION 11. The purchases of lands, water rights and easements situate in the town of Williamstown, and in the town of Pownal in the county of Bennington in the state of Vermont, and lying contiguous and adjacent to Broad brook, heretofore made by said fire district for the purposes set forth in this act, are hereby ratified and confirmed as fully and effectually as though authority to purchase the same had previously been given, and the said fire district may hold said lands, water rights and easements for said purposes, and may obtain and hold by purchase such other lands, water rights and easements situate in Pownal in the state of Vermont, being contiguous and adjacent to said brook, as may be necessary for said purposes; and the doings of said fire district and of its officers in relation to the purchases of said lands, water rights and easements are hereby ratified and confirmed. Purchases heretofore made, ratified and confirmed.

SECTION 12. Whoever wantonly or maliciously diverts the water, or any part thereof taken or held by said fire district 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 fire district under the authority and for the purposes of this act, shall forfeit and pay to said fire district 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 the county of Berkshire. Penalty for maliciously diverting water, etc.

SECTION 13. This act shall take effect upon its passage.
Approved March 21, 1889.

Chap. 145 AN ACT TO AUTHORIZE THE TOWN OF NORTH ADAMS TO MAKE AN
ADDITIONAL WATER LOAN IN AID OF THE NORTH ADAMS FIRE
DISTRICT.

Be it enacted, etc., as follows:

Town may issue
bonds, etc., for
assisting the
fire district.

SECTION 1. The town of North Adams for the purpose of assisting the North Adams Fire District, in the manner hereinafter provided, to procure an additional water supply and to pay the cost of such franchises, property, land, easements, water and water rights as may be taken and held for such purposes, and to pay the cost of constructing such works as may be necessary for such purposes, is authorized to issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars in addition to the amount heretofore authorized by chapter one hundred and fourteen of the acts of the year eighteen hundred and eighty-five; such bonds, notes and scrip shall bear on their face the words, North Adams Water Loan, Act of 1889; 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 five per centum per annum, and shall be signed by the treasurer and be countersigned by the chairman of the selectmen of said town; and a record of all such bonds, notes or scrip shall be made and kept by the treasurer of said town.

North Adams
Water Loan,
Act of 1889.

Town may loan
bonds to fire
district.

SECTION 2. The said town may loan said bonds, notes or scrip to the said fire district upon such terms and conditions as said town may prescribe by its vote, not inconsistent with the provisions of this act.

Bonds previ-
ously authorized
may be issued
and loaned to
fire district.

SECTION 3. Such bonds, notes or scrip authorized by the provisions of chapter one hundred and fourteen of the acts of the year eighteen hundred and eighty-five now remaining unissued, may be issued and loaned by said town to said fire district for the purposes described in this act upon such terms and conditions as said town may prescribe by its vote, not inconsistent with the provisions of this act.

Fire district
may sell securi-
ties or pledge
the same for
money bor-
rowed.

SECTION 4. The said 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, provided that such securities shall not be sold or pledged at less

than the par value thereof, and shall apply the proceeds thereof, or so much as may be necessary, to defray the necessary expenses and liabilities incurred by said fire district under the provisions of an act entitled, An Act in aid of and relating to an additional water supply for the North Adams Fire District; enacted in the year eighteen hundred and eighty-nine, and shall annually

To make annual report to town.

SECTION 5. The said town of North Adams is authorized to annually assess upon the real estate located within the said fire district, and upon the personal estate of all persons resident in said fire district, and collect all taxes necessary to pay the interest as it accrues on all bonds, notes and scrip issued and loaned as aforesaid by said town, and to make contributions to the sinking fund and payments on the principal as may be required under the provisions of this act. The said town shall provide, at the time of contracting its said loan authorized in section one, 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 be pledged to the payment of said loan, and shall be used for no other purpose.

Town may assess and collect tax to pay interest on bonds.

Sinking fund.

SECTION 6. The said town, instead of establishing a sinking fund, may at the time of authorizing its 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, and collected as provided in section five, in each year thereafter, until the debt incurred by its said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section fifty-four of chapter thirty-five of the Public Statutes.

May make annual proportionate payments.

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.

Return to state amount of sinking fund, etc.

Subject to acceptance by town by a two-thirds vote.

SECTION 8. 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 that purpose, within one year from the date of its passage, and by a two-thirds vote of the voters of said fire district, present and voting thereon at a legal fire district meeting called for that purpose, within said one year; but the number of meetings so called in said year, in said town or in said fire district, shall not exceed three.

Approved March 21, 1889.

Chap. 146 AN ACT RELATING TO THE PUBLIC CEMETERIES IN THE TOWN OF WINCHESTER.

Be it enacted, etc., as follows:

Board of fire commissioners to be elected.

SECTION 1. The town of Winchester is hereby authorized to elect by ballot at any town meeting duly called a board of five commissioners who shall have the sole care, superintendence and management of Wildwood cemetery and other public burial grounds in said Winchester, one member of which board shall be elected for the term of five years, one for four years, one for three years, one for two years, and one for one year; said terms to expire with the end of the municipal or official year. A majority of said board shall be owners of a lot in said cemetery or other public burial grounds in said town at least one year previous to their election. Said board may be organized by the choice of a chairman and clerk from their number, and a majority of the board shall be a quorum for the exercise of the powers of said office. In case of a vacancy occurring in the board by death, non-acceptance, disability, resignation or removal, during any municipal or official year, the remaining members shall notify the board of selectmen of Winchester, in writing, thereof and of a time and place appointed for a meeting of the two boards for the purpose of filling such vacancy, at least two weeks before the time appointed for said meeting, and in pursuance of such notice said two boards shall proceed to fill such vacancy until the end of the then current or official year by electing upon joint ballot a suitable person thereto; and at each successive annual election of town officers after the year one thousand eight hundred and eighty-nine, said town shall elect by ballot a suitable person or persons to serve on said board for the remainder of any unexpired term or terms, and for such full

Organization.

Vacancies.

term of five years as shall expire before the next annual election.

SECTION 2. Said board of commissioners may lay out said Wildwood cemetery, and lands which may be hereafter purchased and set apart by said town of Winchester for the purposes of said cemetery, and other public burial grounds in suitable lots or other suitable subdivisions with proper paths and avenues; may plant, embellish and ornament the same, may inclose the same with proper fences, and erect such suitable edifices, appendages and conveniences, and make such improvements as they shall from time to time deem convenient; and may make all such by-laws, rules and regulations in the execution of their trust, subject to the approval of the town, not inconsistent with the laws of the Commonwealth, as they may deem expedient.

Commissioners may lay out cemeteries and embellish and ornament the same.

SECTION 3. Said board of commissioners shall have authority to grant and convey to any person, by deed or suitable conveyance made and executed in such manner and form as they may prescribe, the sole and exclusive right of burial, and of erecting tombs, cenotaphs and other monuments or structures, upon such terms and conditions as they shall by rules and regulations prescribe; and all such deeds and conveyances, and all thereafter made of the same by the owners thereof, shall be recorded by said board of commissioners in suitable books of record, which said books shall be open to the public at all proper times.

May execute deeds.

Deeds to be recorded.

SECTION 4. The proceeds of sales of lots or rights of burial in said cemetery or public burial grounds, and any appropriations, grants, donations, gifts or bequests made thereto, and any and all sums of money due to and payable for account of said cemetery or public burial grounds, shall be paid into the town treasury of said Winchester, and the said money and the accounts thereof shall be kept separate from the other moneys and accounts of said town. The treasurer of said town shall hold said funds subject to the order of the selectmen and said board of commissioners, and shall invest the same or any part thereof, or pay out the same or any income therefrom, on the orders of said board of commissioners, or with their approval.

Proceeds of sales to be paid into the town treasury.

Treasurer of town to hold funds subject to order of selectmen and commissioners.

SECTION 5. Said board of commissioners shall not incur debts or liabilities for purposes other than aforesaid,

Limit of indebtedness.

nor to an amount exceeding the amount of the funds subject to their order as aforesaid; and they shall annually make and render a report in writing to said town of Winchester of their acts and doings, of the condition of said cemetery and burial grounds, and an account of their receipts and expenditures for the same, and of the funds subject to their order.

Subject to acceptance within eight months.

SECTION 6. This act shall be void unless accepted by a vote of said town of Winchester at a meeting duly called within eight months from its passage.

SECTION 7. This act shall take effect upon its passage.

Approved March 22, 1889.

Chap.147 AN ACT RELATING TO THE HARBOR MASTER AND ASSISTANT HARBOR MASTERS FOR THE HARBOR OF BOSTON.

Be it enacted, etc., as follows:

Harbor masters to be appointed from the police force.

SECTION 1. The harbor master and assistant harbor masters for the port of Boston shall hereafter be appointed from the police force by the board of police of said city; and they shall continue respectively to have all the powers and be subject to all the duties, liabilities and obligations which now appertain by law to said offices. The board of police may require such further duties of these officers, including the duties of officers and members of the police force of said city not inconsistent with the provisions of law, as they shall deem expedient.

Compensation.

SECTION 2. The harbor master and assistant harbor masters shall receive the pay now established, or which may hereafter be established, for the grade of rank which they respectively hold in the police force of said city.

Repeal.

SECTION 3. Chapter sixty-four of the acts of the year eighteen hundred and sixty-two and all other acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved March 22, 1889.

Chap.148 AN ACT TO AUTHORIZE THE MASSACHUSETTS SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Massachusetts Society for the Prevention of Cruelty to Animals, a corporation duly incorporated by chapter eighty-one of the acts of the year eighteen

hundred and sixty-eight, is hereby authorized to hold, for the purposes of said society, real and personal estate to the same amount permitted charitable societies organized under chapter one hundred and fifteen of the Public Statutes.

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

Approved March 22, 1889.

AN ACT TO INCORPORATE THE NEWTON REAL ESTATE ASSOCIATION.

Chap. 149

Be it enacted, etc., as follows:

SECTION 1. James W. French, Howard M. Stephens, Lewis E. Coffin, Thomas B. Calrow, Charles A. Fitzgerald, Albert P. Fairbanks, 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 Newton Real Estate Association of Newton, subject to the provisions of chapter one hundred and five of the Public Statutes and to all general corporation laws which now are or hereafter may be in force relating to such corporations, and shall have the powers and be subject to the liabilities and restrictions prescribed therein.

Newton Real Estate Association of Newton, incorporated.

SECTION 2. The said corporation shall have power in the counties of Middlesex and Suffolk to purchase, hold, sell, mortgage, let and lease real estate, and to improve the same by the erection of dwelling-houses, stores and other buildings thereon, or otherwise as may be expedient.

May purchase and sell real estate in Middlesex and Suffolk counties.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars and shall be divided into shares of one hundred dollars each: *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 4. The said corporation may from time to time increase its capital stock in amounts not to exceed in the aggregate the further sum of one hundred thousand dollars: *provided*, that no shares in such increased capital stock shall be issued for a less sum to be actually paid in on such share, in cash or property, than the par value thereof, which shall not be less than one hundred dollars, the value of said property to be determined as aforesaid; and also, *provided*, that a certificate stating the amount

May increase capital stock.

Provisos.

of any such increase shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

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

Approved March 22, 1889.

Chap.150 AN ACT PROVIDING FOR PRINTING THE JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Be it enacted, etc., as follows:

Additional copies of journals to be printed.

SECTION 1. There shall be printed annually one thousand copies of the journals of the senate and house of representatives, to be distributed as follows, to wit:— one copy to each member of the legislature, one copy to be sent to each public and incorporated library in the state by the secretary of the Commonwealth and the balance to be distributed under the direction of the clerks of the two branches.

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

Approved March 22, 1889.

Chap.151 AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO LAY AND MAINTAIN A COMMON SEWER IN BOSTON AND NEWTON.

Be it enacted, etc., as follows:

Selectmen of Brookline, with consent, etc., may lay a common sewer in Boston and Newton.

SECTION 1. The selectmen of the town of Brookline may, with the consent of the mayor and aldermen of the city of Boston, lay and maintain a common sewer through any public way and in and through the lands of any person or corporation within that part of the city of Boston which was formerly Brighton, and, with the consent of the mayor and aldermen of the city of Newton, within the city of Newton, in order to connect the system of sewers in the said town of Brookline with a common sewer to be built in the westerly part of said Brookline near the city of Newton. And said selectmen may take and appropriate, by right of eminent domain, any lands other than lands of either of said cities required for the purposes of this act.

To file in registry of deeds a description of lands taken.

SECTION 2. The said town of Brookline shall, within sixty days from the time it shall take any lands for the purposes of this act, file in the registry of deeds for the county and district in which such lands lie a description of the lands so taken, as certain as is required in a

common conveyance of land, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of the selectmen of said town.

SECTION 3. Said town of Brookline shall pay all damages for injuries to property sustained by any person by anything done under authority of this act; and if the town and the person whose property is affected cannot agree upon the amount of damages, a jury of the superior court may be had to determine the same, in the same manner as a jury is had and damages are determined when parties are dissatisfied with an estimate of damages sustained by any person in the laying out of a highway in the city of Boston.

Payment of damages.

SECTION 4. 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 of said town 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 or of the city of Newton.

Laws governing sewer assessments, etc., in Brookline to apply.

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

Approved March 22, 1889.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT CLERK OF THE POLICE COURT OF LOWELL.

Chap. 152

Be it enacted, etc., as follows:

SECTION 1. The clerk of the police court of Lowell may appoint an assistant clerk, who shall be subject to all the provisions of law applicable to assistant clerks of district courts and perform all duties prescribed therefor.

Clerk may appoint an assistant.

SECTION 2. Said assistant clerk shall receive an annual salary of one thousand dollars, to be paid in the same manner as the salary of the clerk of said court is now paid.

Salary.

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

Approved March 22, 1889.

Chap.153 AN ACT TO INCORPORATE THE REAL ESTATE EXCHANGE AND AUCTION BOARD.

Be it enacted, etc., as follows:

The Real Estate Exchange and Auction Board, incorporated.

SECTION 1. Francis V. Balch, Henry M. Whitney, Robert S. Minot, Grenville T. W. Braman, Eben D. Jordan, George Wheatland, Jr., John Mason Little and Frederic H. Viaux, their associates and successors, are hereby made a corporation by the name of The Real Estate Exchange and Auction Board, with all the powers, rights 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 relating to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be ten thousand dollars, and shall be divided into shares of one hundred dollars each; said capital stock may be increased from time to time in the manner provided by law to any amount not exceeding three hundred thousand dollars; and it shall not commence business until its entire original capital is actually paid in, in cash. The office and principal place of business of said corporation shall be in the city of Boston, and it may hold real estate suitable for the transaction of its business to the amount of three hundred thousand dollars.

Principal place of business to be in Boston.

May establish a station in Boston for sale of real estate, etc., at auction.

SECTION 3. The said corporation may establish and maintain a central room or station in said Boston, for the sale of real estate and securities at auction; and lease stands to auctioneers, and furnish a general meeting room for real estate owners and others; and prepare and collect maps, plans, statistics and other records relating to real estate and subjects connected therewith; and do and perform such other matters as relate to real estate interests and dealings therein.

Courts may order sale of estate to be held at sales-room.

SECTION 4. Any court of law or equity and any court of probate and insolvency of this Commonwealth may, by decree or otherwise, direct any or all sales of real estate or personal property ordered to be sold by such court, to be held at the sales-room of said corporation.

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

Approved March 22, 1889.

AN ACT IN RELATION TO EVIDENCE AT INQUESTS IN CASES OF
FATAL ACCIDENTS ON STREET RAILWAYS. *Chap.154*

Be it enacted, etc., as follows :

When a justice has reason to believe that an inquest to be held by him relates to a death by accident resulting from or connected with the operation of a street railway, he shall cause a verbatim report of the evidence given before him to be made; and the provisions of chapter three hundred and sixty-five of the acts of the year eighteen hundred and eighty-eight shall apply in such case the same as to the taking of evidence given at inquests in cases of death from accidents upon railroads.

Verbatim report of evidence to be made.

Provisions of 1888, 365, to apply.

Approved March 22, 1889.

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE TOWN OF
PITTSFIELD WITH PURE WATER. *Chap.155*

Be it enacted, etc., as follows :

SECTION 1. The Pittsfield Fire District is hereby authorized to take the waters of Sackett brook in the town of Pittsfield and the waters which flow into and from the same, and to convey the same to, into and through the town of Pittsfield for the purpose of furnishing an additional supply of water for the town of Pittsfield and for public purposes; and for this purpose may take by purchase or otherwise any lands on or around said brook and any water rights connected therewith, and may build and maintain all necessary dams and reservoirs, and may sink wells near said brook; and lay and maintain all necessary pipes to connect the same with the present water works.

May take waters of Sackett brook.

May take lands, etc.

SECTION 2. Said fire district shall be liable to pay all damages that shall be sustained by any person or corporation by the proceedings of said district under this act, and the same shall be assessed and determined in the manner prescribed in the sixth section of chapter two hundred and ten of the acts of the year one thousand eight hundred and fifty-two, and section nine of the same chapter shall apply to all water taken, and to all structures made and property acquired or taken by said fire district under this act.

Payment of damages.

SECTION 3. The town of Pittsfield for the purpose of paying for the additions and extensions of the water

Town may issue bonds, notes or scrip.

Fire district
may issue
bonds, notes or
scrip.

works authorized by the preceding sections of this act, and for the purpose of paying for a new main pipe to connect the same with the present water works of said district, may issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars; or the said fire district may, if it shall so determine, issue its own bonds, notes or scrip, and whether such bonds, notes or scrip are issued by the town or fire district, the same shall be subject to all the provisions and conditions prescribed by chapter three hundred and forty of the acts of the year eighteen hundred and eighty-five authorizing the issue of bonds, notes or scrip by either said town or fire district; and the said fire district may authorize temporary loans to be made by the treasurer of the district and approved by the prudential committee, in anticipation of the issue of bonds, notes and scrip hereby authorized.

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

Approved March 22, 1889.

Chap.156 AN ACT TO AUTHORIZE THE TRANSFER OF THE DEDHAM PUBLIC LIBRARY TO THE TOWN OF DEDHAM.

Be it enacted, etc., as follows :

Dedham Public
Library may be
transferred to
town of Ded-
ham.

SECTION 1. The Dedham Public Library may grant, transfer and convey to the town of Dedham its franchise, library and property, real and personal, for the establishment of a free public library, to be forever maintained therein.

Grants, trusts,
etc., to pass to
town upon
transfer.

SECTION 2. All grants, devises, bequests and trusts to said Dedham Public Library shall by force of this act, and the conveyance hereby authorized, vest in and pass to the town of Dedham for the use and benefit of the free public library to be established and maintained as aforesaid.

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

Approved March 22, 1889.

Chap.157 AN ACT TO EXEMPT THE CITY OF WORCESTER FROM THE PROVISIONS OF SECTION ONE OF CHAPTER THREE HUNDRED AND TWELVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FIVE RELATIVE TO THE LIMIT OF MUNICIPAL DEBT OF AND THE RATE OF TAXATION IN CITIES.

Be it enacted, etc., as follows :

Exempted from
operation of
1885, 312, § 1,

SECTION 1. The city of Worcester is exempted from the operation of section one of chapter three hundred and

twelve of the acts of the year eighteen hundred and eighty-five, until the first day of January in the year eighteen hundred and ninety-one.

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

Approved March 22, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE SECOND DISTRICT COURT OF EASTERN WORCESTER.

Chap. 158

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the second district court of eastern Worcester shall be twelve hundred dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

Salary of justice.

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

Approved March 22, 1889.

AN ACT RELATING TO CO-OPERATIVE BANKS.

Chap. 159

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter one hundred and seventeen of the Public Statutes is hereby amended by adding after the word "estate" in the second line thereof the words:—situated in this Commonwealth.

P. S. 117, § 13 amended.

SECTION 2. Every co-operative bank shall annually within twenty days after the last business day of October make a return to the commissioners of savings banks in such form as may be prescribed by them, showing accurately the condition thereof at close of business on said day, which return shall be signed and sworn to by the secretary and treasurer of such corporation. The president and five or more of the directors shall certify and make oath that the report is correct according to their best knowledge and belief.

Annual returns to be made.

Approved March 22, 1889.

AN ACT TO CHANGE THE NAME OF THE WARREN STREET CHAPEL.

Chap. 160

Be it enacted, etc., as follows:

The corporation organized under the laws of this Commonwealth as the Warren Street Chapel, shall hereafter be known as the Barnard Memorial, and all its corporate rights and property, and all gifts, devises, bequests and conveyances to it, by either name, shall vest in the Barnard Memorial.

Name changed to Barnard Memorial.

Approved March 22, 1889.

*Chap.*161 AN ACT PROHIBITING OFFICERS OF SAVINGS BANKS FROM BORROWING THE FUNDS OF OR ACTING AS SURETY FOR MONEY BORROWED FROM SUCH INSTITUTIONS.

Be it enacted, etc., as follows :

P. S. 116, § 21 amended.

Officers not to borrow money of banks, or become surety.

Section twenty-one of chapter one hundred and sixteen of the Public Statutes is hereby amended by inserting after the word "no" in the first line thereof, the words: — president, treasurer, — so that the section shall read as follows: — *Section 21.* No president, treasurer, member of a committee or board of investment, or officer of such corporation charged with the duty of investing its funds, shall borrow or use any portion thereof, be surety for loans to others, or in any manner, directly or indirectly, be an obligor for money borrowed of the corporation; and if such member or officer becomes the owner of real estate upon which a mortgage is held by the corporation, his office shall become vacant at the expiration of sixty days thereafter, unless he has ceased to be the owner thereof, or has caused said mortgage to be discharged. Only one of the persons holding the offices of president, clerk, and treasurer shall at the same time be a member of the investing committee. *Approved March 22, 1889.*

*Chap.*162 AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF A HIGHWAY AND BRIDGE OVER THE TIDE-WATERS OF THE ACUSHNET RIVER BETWEEN THE CITY OF NEW BEDFORD AND THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows :

County commissioners may lay out highway and bridge across Acushnet river.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and required to lay out, construct or cause to be constructed, a suitable, safe and convenient highway and bridge, with suitable approaches thereto, provided that the expense of the same shall not exceed the sum of fifty thousand dollars, over and across the Acushnet river, commencing at some point on the west side in the city of New Bedford, at or near the easterly terminus of Coggeshall street, thence crossing said river to some point in Fairhaven most practicable, on the east side of the river; the operations for the construction of said highway approaches and bridge to be commenced as soon as practicable, and the same to be completed for travel in at least eighteen months from the

passage of this act. The operations under this act to be subject to the provisions of chapter nineteen of the Public Statutes and of any other laws which now are or may hereafter be in force applicable thereto. There shall be a convenient draw in said bridge not less than forty feet wide, and said draw shall be widened at the expense of said city of New Bedford and the town of Fairhaven whenever the legislature shall direct, and the expense of such widening shall be borne by the said city and town as the legislature may direct.

Draw not to be less than forty feet wide.

SECTION 2. The said county commissioners are hereby authorized to take and appropriate for the purpose of constructing said highway bridge and approaches, the private property of any person or persons or corporations, and upon such taking shall, upon due notice and hearing, estimate and award the damages to the owner or owners thereof, and shall file forthwith in the registry of deeds for the southern district of the county of Bristol a description of the property taken with metes and bounds, and with their appraisal of the damages by them awarded to the owner or owners of said property. Any person aggrieved by the award of said county commissioners may, within one year from the filing of the description aforesaid, apply for a jury in the superior court to appraise said damages in the same manner and subject to the same provisions as in case of land taken for a highway.

May take property of persons or corporations.

Party aggrieved may apply for a jury in the superior court.

SECTION 3. The expense of the construction of the aforesaid highway bridge and approaches shall, in the first instance, be borne by the county of Bristol; and the commissioners of said county are hereby authorized and directed to borrow on the credit of said county such sums of money as may from time to time be required for the expenses of the construction of the same. The money so borrowed shall be deposited in the county treasury, and the county treasurer shall pay out the same as ordered by the said county commissioners, and said treasurer shall keep a separate and accurate account of all sums borrowed and expended under the provisions of this act, including interest paid on the money borrowed.

Expense of construction to be first borne by the county of Bristol.

SECTION 4. Upon the completion of the highway bridge and approaches aforesaid, the said county commissioners shall file in the office of the clerk of the superior court for the county of Bristol a detailed statement, certi-

County commissioners to file in clerk's office a detailed statement of cost of bridge, etc.

fied under their hands, of the cost of said highway bridge and approaches, and the amount of interest paid on money borrowed under the provisions of this act. At the term of said court in said county next after the filing of said statement, upon the application in writing of any party interested, the said court shall, upon such notice as may be deemed proper, appoint a board of three commissioners, who, having been first duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all parties interested and a hearing thereon, determine, decree and name the towns and cities in said county which are or will be specially benefited by the aforesaid highway and bridge, and determine, award and name the proportion of the expense of the construction of the same that shall be paid by said cities and towns and by said county of Bristol, respectively. Said commissioners named in this section shall also determine and name the cities and towns by which the expense of the maintenance and repairs of said highway bridge draw including approaches, abutments and piers shall be paid, and also determine and name the proportion of said expense that shall be paid by each of said cities and towns. The report of said commissioners named in this section, or of the major part of the same, shall be made in writing and filed in the office of the clerk of the superior court for the county of Bristol, and a copy of the same certified by said clerk shall be forthwith transmitted to the commissioners of said county and to each of the several cities and towns named in said report; and said court, at the term thereof next after the filing of said report, shall, unless sufficient cause is shown to the contrary, accept and affirm said report and enter judgment thereon, and the same shall thereupon be binding upon all parties named therein. The expenses and fees of the commissioners appointed by said court shall be ascertained and determined by said court, and paid by said county of Bristol.

Board of three commissioners to be appointed.

Report to be filed in office of clerk of courts for Bristol county.

Expenses and fees.

Copy of report and judgment to be transmitted to county commissioners, etc.

SECTION 5. Within twenty days after the entry of the judgment mentioned in the preceding section, the clerk of said court shall transmit a true and attested copy of said report and judgment thereon to the commissioners for the county of Bristol, and a like copy to the mayor of the cities and the selectmen of the towns mentioned in said report, and each of said cities and towns, liable under

said decree and award to contribute to the payment of the construction of said highway and bridge, shall pay its proportion of said expense into the treasury of said county of Bristol, in such manner and in such instalments as the commissioners for said county shall by a special order determine and direct; and if any city or town shall neglect or refuse to pay its proportion as required by said order, the said commissioners for said county shall, after notice to such city or town, and unless sufficient cause is shown to the contrary, issue a warrant against said city or town for the sum it was ordered to pay, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the county treasury, to be applied in payment of the expenses aforesaid.

Upon neglect to pay proportion of expenses, warrants may be issued.

SECTION 6. Upon the completion of said highway and bridge, the said county commissioners shall cause notice thereof to be served upon the mayor of said city of New Bedford and the selectmen of the town of Fairhaven, and said notice, with the return of the service thereof, shall be filed in the office of the clerk of the superior court for the county of Bristol, and thereafter the care and superintendence of such parts of said highway, bridge, approaches, draw, abutments and piers as lie within the corporate limits of the city of New Bedford and the town of Fairhaven, respectively, shall devolve upon the officers of the said city and town respectively charged with the duty of the care of highways and bridges therein; and liability for defects in said highway, bridge, draw, piers and abutments, shall exist on the part of said city and town for the portions of the same lying therein, respectively, in like manner as for defects in town ways.

Notice to be served upon New Bedford and Fairhaven upon completion of bridge.

SECTION 7. This act shall take effect upon its passage.

Approved March 22, 1889.

AN ACT TO AUTHORIZE THE BOSTON AND ALBANY RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 163

Be it enacted, etc., as follows:

SECTION 1. The Boston and Albany Railroad Company is hereby authorized, — for the purpose of paying the bonds of said company which mature on the first day of February, eighteen hundred and ninety-two, amounting to five millions of dollars, and the bonds of said company which mature on July first, eighteen hundred and ninety-five, which amount to two millions of dollars; for the

May increase its capital stock.

improvement of the alignment of its road; for the construction of additional tracks; for the purchase of land; for the separation of level crossings of highways and town ways; for the construction of new stations and for the acquirement of private ways, — to increase its capital stock, by issuing, in addition to the amount of capital stock already issued, an amount not exceeding ten millions of dollars, so that the authorized capital of said Boston and Albany Railroad Company shall be thirty millions of dollars and no more: *provided*, that the first million dollars realized from the sale of said stock shall be expended for the abolishment of grade crossings on said road.

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

Approved March 23, 1889.

Chap. 164 AN ACT PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE REPORT OF THE TRUSTEES OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Be it enacted, etc., as follows:

Additional copies of report to be printed.

SECTION 1. There shall be printed annually five thousand copies of the report of the trustees of the Massachusetts Agricultural College, thirty-five hundred of which shall be for the use of said college.

Repeal.

SECTION 2. So much of chapter three hundred and sixty-nine of the acts of the year eighteen hundred and eighty-five as is inconsistent with this act is hereby repealed.

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

Approved March 23, 1889.

Chap. 165 AN ACT RELATING TO SALE OF LANDS BELONGING TO THE FIRST CONGREGATIONAL PARISH IN PETERSHAM.

Be it enacted, etc., as follows:

May sell real estate in Petersham.

SECTION 1. The First Congregational Parish in Petersham, a religious corporation duly organized and existing under the laws of the Commonwealth at Petersham in the county of Worcester, is hereby authorized and empowered to sell and convey in fee simple, any part or the whole of the real estate joining the house lot of the parsonage owned by it in Petersham, and a vote duly passed by a majority of the members of said society present and voting, either in person or by proxy, at any meeting of said society duly called for the purpose, shall be sufficient authority for said society to sell and convey as aforesaid.

SECTION 2. The proceeds of sales received for lands sold from time to time shall be invested in a fund called the parsonage fund, the income of which may be expended in repairs, improvements, and in beautifying the house and grounds of said parsonage.

Proceeds of sales to be invested in the parsonage fund.

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

Approved March 25, 1889.

AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO ISSUE BONDS, NOTES OR SCRIP FOR THE PAYMENT OF ITS GENERAL INDEBTEDNESS.

Chap.166

Be it enacted, etc., as follows :

SECTION 1. The city of Fitchburg, for the purpose of paying and refunding its general indebtedness already incurred or authorized by said city, may from time to time issue bonds, notes or scrip to an amount not exceeding two hundred thousand dollars, payable in periods not exceeding twenty years from the date of issue, and bearing interest at rates not exceeding four per cent. per annum, but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall in all other respects apply to the issue of said bonds, notes or scrip and to the establishment of a sinking fund for the payment thereof at maturity.

May issue bonds, etc., for payment of general indebtedness.

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

Approved March 25, 1889.

AN ACT TO ESTABLISH A BOARD OF PUBLIC WORKS FOR THE CITY OF NEW BEDFORD.

Chap.167

Be it enacted, etc., as follows :

SECTION 1. A board of public works is hereby established for the city of New Bedford, as follows, viz. : — In the month of April in the year eighteen hundred and eighty-nine, or as soon thereafter as this act shall take effect, the mayor of said city shall appoint, subject to confirmation by the board of aldermen of said city, three persons to be a board of public works, to hold office respectively, one, two and three years from the first day of May in the year eighteen hundred and eighty-nine and until their successors are appointed, confirmed and qualified; and thereafter in the month of April in each year the mayor shall appoint, subject to confirmation as afore-

Board of public works for city of New Bedford.

- Vacancies. said, one member of said board to serve for a term of three years from the first day of May in the year in which he shall be appointed, and until his successor is appointed, confirmed and qualified; but the mayor, with the consent of the board of aldermen, may at any time remove any of said board. Whenever any vacancy shall occur in said board by death, resignation or otherwise, said vacancy shall be filled by appointment and confirmation in the manner aforesaid, of another person, who shall hold office for the residue of the unexpired term. Said board shall serve without compensation. The members thereof shall be sworn to the faithful discharge of their duties, and a record thereof be made upon their journal. Said oath may be administered by the city clerk or any justice of the peace.
- Members to be sworn.
- Organization. SECTION 2. Annually, on the first Monday of May, said board shall organize by the choice of a chairman from their own number, and by the appointment of such other officers, not members thereof, as they may determine. The city clerk shall be clerk of said board and serve without extra compensation, and as clerk of said board shall perform all the duties now required of city clerks in relation to the laying out, locating anew, alteration or discontinuance of streets, or of altering or establishing the grade thereof, or of laying, making and maintaining main drains, common sewers and sidewalks, or any other matters placed by this act under the control of said board, and shall keep a record of the doings of said board.
- City clerk to be clerk of board.
- Powers and duties. SECTION 3. All the duties, powers and authority in relation to the laying out, locating anew, alteration or discontinuance of streets or ways, or of altering or establishing the grade thereof; of laying, making and maintaining main drains, common sewers and sidewalks and keeping the streets and ways in repair, now by law vested in the city council of the city of New Bedford or either branch thereof, or the mayor and aldermen as surveyors of highways, or otherwise, are hereby vested in and shall be exclusively exercised by said board of public works; and all the rights, powers and duties of said city council of the city of New Bedford or either branch thereof, as public officers or otherwise, in relation to the streets, ways, sewers, drains, public parks, commons and public squares in said city of New Bedford, are hereby transferred to and exclusively vested in said board.

SECTION 4. Said board, in relation to the powers, duties and authority by this act conferred upon it, shall have the same authority heretofore vesting in the mayor and aldermen of said city to make contracts in behalf of and binding upon the city; to appoint, subject to the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four and any acts in amendment thereof, its employees, define their duties and fix their compensation; and, in general, to do all things necessary to a proper performance of their duties.

Power to make contracts and to appoint employees.

SECTION 5. Said board shall have authority to procure suitable offices for its own use; and all plans of streets, main drains, common sewers, parks, squares and public places, electric, telephone, telegraph poles and other structures in the streets, heretofore required by law to be filed, and now on file in the city clerk's office, shall be placed on file in the office of said board, and all such plans hereafter made shall be filed in the office of said board.

To have suitable offices where plans are to be filed.

SECTION 6. In case said city shall accept the provisions of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two and acts in amendment thereof, said board shall constitute the commissioners therein provided for.

Commissioners under provisions of 1882, 154.

SECTION 7. This act shall take effect upon its passage.
Approved March 28, 1889.

AN ACT TO CHANGE THE NAME OF THE UNIONVILLE EVANGELICAL SOCIETY.

Chap. 168

Be it enacted, etc., as follows:

SECTION 1. The name of the Unionville Evangelical Society is hereby changed to the First Parish in Ashland.

Name changed.

SECTION 2. All acts, doings and conveyances of said society heretofore done or made under the name of the First Parish in Ashland are hereby confirmed and made valid and effectual to the same extent as though the same had been done or made under the name of the Unionville Evangelical Society.

Acts confirmed and made valid.

SECTION 3. This act shall take effect upon its passage.
Approved March 28, 1889.

Chap.169 AN ACT IN RELATION TO THE INSPECTION OF GAS AND GAS METERS.

Be it enacted, etc., as follows:

Inspectors of gas meters.

SECTION 1. Section one of chapter sixty-one of the Public Statutes is hereby amended so as to read as follows:— *Section 1.* There shall be an inspector and an assistant inspector of gas meters and of illuminating gas, appointed by the governor with the advice and consent of the council, and who shall be sworn to the faithful discharge of their duties. Unless sooner removed therefrom as herein provided, the inspector shall hold office for three years from the time of his appointment and until the appointment and qualification of his successor, and the assistant inspector shall hold office for three years from the time of his appointment and until the appointment and qualification of his successor; but either or both of said officers may be removed from office by the governor and council at their pleasure.

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

Approved March 28, 1889.

Chap.170 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A THIRD ASSISTANT CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CIVIL BUSINESS.

Be it enacted, etc., as follows:

Third assistant clerk to be appointed.

SECTION 1. There shall be appointed, in the manner provided by law for the appointment of assistant clerks of the municipal court of the city of Boston, a third assistant clerk of said court, for civil business, who shall receive from the county of Suffolk an annual salary of one thousand dollars.

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

Approved March 28, 1889.

Chap.171 AN ACT TO INCORPORATE THE FROTHINGHAM BUILDINGS.

Be it enacted, etc., as follows:

Frothingham Buildings, incorporated.

SECTION 1. Octavius B. Frothingham, Edward Frothingham, Ellen Frothingham, their associates and successors, are hereby made a corporation by the name of Frothingham Buildings, for the purpose of holding, managing, improving and leasing the real estate in the city of Boston on Washington street belonging to the

heirs of Anne G. Frothingham, deceased, and such other real estate adjoining or near to said real estate of the heirs of Anne G. Frothingham and lying within the district bounded by Washington, Bedford and Chauncy streets and Norfolk place and Exeter place, as they may hereafter purchase, and of performing all other legal acts which may be necessary for accomplishing such objects; with all the powers and privileges and subject to 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. Said corporation may sell or mortgage any portion or the whole of any real estate which it is allowed by this act to hold.

May sell or mortgage real estate.

SECTION 3. The capital stock of said corporation shall not exceed two million dollars. The shares shall be of the par value of one hundred dollars each, and no share shall be issued except for cash actually paid in or property actually conveyed, and the value of such property shall be determined by the commissioner of corporations.

Capital stock and shares.

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

Approved March 28, 1889.

AN ACT TO ENABLE THE CITY OF LYNN FOR THE PURPOSE OF BUILDING DRAINS AND SEWERS TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW.

Chap. 172

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn, for the purpose of building drains and sewers, in addition to the amount provided by chapter eighty-four of the acts of the year eighteen hundred and eighty-seven, may incur indebtedness to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness fixed by law for said city, and may from time to time issue bonds, notes or scrip therefor, payable in periods not exceeding twenty years from the date of issue, but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

May incur indebtedness beyond the legal limit, for building drains and sewers.

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

Approved March 28, 1889.

Chap.173 AN ACT IN RELATION TO THE DRAWING AND SUMMONING OF JURORS IN THE SUPREME JUDICIAL COURT FOR THE COUNTY OF BARNSTABLE.

Be it enacted, etc., as follows:

Venires for drawing jurors not to be issued unless a suit is for trial by jury.

SECTION 1. No venires shall be issued for the drawing and summoning of jurors for the sitting of the supreme judicial court for the county of Barnstable unless, at the time now provided by law for the issuing of venires for the drawing and summoning of jurors for the sitting of said court in said county, there shall be for trial some suit in which a trial by jury has been requested by one of the parties thereto, or which is of such a character that it must be tried by a jury.

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

Approved March 28, 1889.

Chap.174 AN ACT TO ESTABLISH THE SALARY OF THE CONSTABLES OF THE MUNICIPAL COURT OF THE ROXBURY DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Salaries of constables.

SECTION 1. The salary of the constables of the municipal court of the Roxbury district of the city of Boston shall be twelve hundred dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

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

Approved March 28, 1889.

Chap.175 AN ACT TO AUTHORIZE WILLIS T. EMERY, ORSAMUS NUTE AND HENRY O. NUTE TO DRIVE PILES IN CHARLES RIVER.

Be it enacted, etc., as follows:

May drive piles in Charles River.

SECTION 1. Willis T. Emery, Orsamus Nute and Henry O. Nute are hereby authorized to drive twelve piles on the northerly side of the sea wall in Charles river, at the foot of Hereford street in the city of Boston or within a distance of three hundred feet easterly or westerly of the foot of said Hereford street, in said Charles river, for the support of a water tank: *provided, however,* that the location of said piles shall be approved by the board of harbor and land commissioners, and they shall be removed by said Willis T. Emery, Orsamus Nute and Henry O. Nute, or their successors or assigns,

Subject to approval of harbor and land commissioners.

at any time on the order of said board; and *provided*, Provisos. *further*, that the said Willis T. Emery, Orsamus Nute and Henry O. Nute, or their successors or assigns, shall pay into the compensation fund established by the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, the sum of seventy-five dollars on the first day of July in each and every year during the continuance of the structure, and *provided, further*, that if the said Willis T. Emery, Orsamus Nute and Henry O. Nute, or their successors or assigns, shall fail to remove the said piles and structure on the order of the board of harbor and land commissioners, the same may be removed by said board, and the said Willis T. Emery, Orsamus Nute and Henry O. Nute, or their successors or assigns, shall be liable to the Commonwealth for the expense of such removal.

SECTION 2. Said water tank shall not be placed on said piles until authorized by the board of aldermen of the city of Boston, and the same shall be removed when ordered by them. Subject to authority of board of aldermen.

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

Approved March 28, 1889.

AN ACT TO EXTEND THE TIME OF EXEMPTION OF THE CITY OF BROCKTON FROM THE OPERATION OF SECTION ONE OF CHAPTER THREE HUNDRED AND TWELVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FIVE RELATIVE TO THE LIMIT OF MUNICIPAL DEBT OF AND THE RATE OF TAXATION IN CITIES.

Chap.176

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton shall be exempted from the operation of section one of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five until the first day of January in the year eighteen hundred and ninety-one. City exempted from operation of 1885, 312, § 1, until Jan. 1, 1891.

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

Approved March 28, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE CIVIL SERVICE COMMISSION.

Chap.177

Be it enacted, etc., as follows:

SECTION 1. The salary of the secretary of the civil service commission shall be two thousand dollars a year, to be so allowed from the first day of January in the year Salary of secretary established.

eighteen hundred and eighty-nine, and at the same rate for any portion of a year.

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

Approved March 28, 1889.

Chap.178 AN ACT TO AMEND AN ACT RELATING TO THE APPOINTMENT OF SUPERINTENDENTS OF STREETS IN TOWNS.

Be it enacted, etc., as follows:

Superintendents
of streets in
towns.

SECTION 1. Section six of chapter ninety-eight of the acts of the year eighteen hundred and eighty-nine is hereby amended by inserting after the word "sections" the word:—seventy-four,—and by inserting after the word "seventy-six" the word:—and,—and by striking out after the word "seventy-seven" the words "and seventy-eight", so as to read as follows:—*Section 6.* Any town which has accepted or shall hereafter accept the provisions of chapter one hundred and fifty-eight of the acts of the year eighteen hundred and seventy-one or of sections seventy-four, seventy-five, seventy-six and seventy-seven of chapter twenty-seven of the Public Statutes shall be exempt from the provisions of this act, until such acceptance is revoked by such town.

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

Approved March 29, 1889.

Chap.179 AN ACT TO REPEAL AN ACT TO PRESERVE THE EEL FISHERIES IN HERRING RIVER AND ITS TRIBUTARIES IN THE TOWN OF WELLFLEET.

Be it enacted, etc., as follows:

Eel fisheries in
Herring river in
Wellfleet.

SECTION 1. Chapter forty-two of the acts of the year eighteen hundred and seventy-seven, being an act to preserve the eel fisheries in Herring river and its tributaries in the town of Wellfleet, is hereby repealed.

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

Approved March 29, 1889.

Chap.180 AN ACT RELATING TO THE BONDS OF TREASURERS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Be it enacted, etc., as follows:

Treasurer to
give bond and
file copy with
commissioners
of savings
banks.

SECTION 1. Section fourteen of chapter one hundred and sixteen of the Public Statutes is hereby amended so as read as follows:—*Section 14.* The treasurer shall give bond for the faithful discharge of his duties to the

satisfaction of the trustees, and shall file with the commissioners of savings banks an attested copy of his bond, with a certificate of the custodian of the bond that the original is in his possession. The treasurer shall notify said commissioners of any change thereafter made therein. If a treasurer fails within ten days from the date thereof to file a copy of his bond, or to notify the commissioners of any change therein as required by this act, he shall be liable to a penalty of fifty dollars. The commissioners shall keep a record showing when said bonds expire and the changes so notified, and, whenever in their judgment it is necessary for the security of the depositors, shall require a new bond in such amount and with such sureties as they may approve.

Treasurer to notify commissioners of any change made.

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

Approved March 29, 1889.

AN ACT TO INCORPORATE THE NATIONAL HOME BUILDING COMPANY.

Chap 181

Be it enacted, etc., as follows :

SECTION 1. Frank M. Ames, Samuel N. Brown, Richard C. Humphreys, William Atherton, Robert Treat Paine and William P. Fowler, their associates and successors, are hereby made a corporation by the name of the National Home Building Company, for the purposes hereinafter set forth ; said corporation to have its place of business in the city of Boston.

National Home Building Company, incorporated.

SECTION 2. The capital stock of such company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of the par value of twenty-five 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 fifty 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.

Capital stock and shares.

SECTION 3. The said corporation may purchase, hold and improve real estate ; may contract for and build dwelling-houses and other buildings ; and sell, lease and convey the same for cash or on credit ; may sell houses for homes for working people and others of moderate means, to be paid for in monthly or other instalments,

May hold and improve real estate.

May sell houses to be paid for in instalments.

and secure the payment of such instalments in any way agreed upon with the purchaser; may give and receive mortgages and notes secured thereby, and may sell and dispose thereof.

Liability of shareholders.

SECTION 4. 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.

To make certificate and returns, annually, to the secretary of the Commonwealth.

SECTION 5. 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 said 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.

Shares to be transferable.

SECTION 6. 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 7. This act shall take effect upon its passage.

Approved March 29, 1889.

Chap. 182 AN ACT FIXING THE TIMES FOR HOLDING PROBATE COURTS IN THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Courts at Cambridge and Lowell.

SECTION 1. Probate courts shall be held in each year, for the county of Middlesex, at Cambridge on the first, second and fourth Tuesdays, and at Lowell on the third Tuesday of every month, except August.

Repeal.

SECTION 2. So much of section forty-eight of chapter one hundred and fifty-six of the Public Statutes as is inconsistent herewith is hereby repealed.

To take effect May 1, 1889.

SECTION 3. This act shall take effect on the first day of May in the year eighteen hundred and eighty-nine.

Approved March 29, 1889.

AN ACT TO AMEND AN ACT TO IMPROVE THE CIVIL SERVICE OF THE COMMONWEALTH AND THE CITIES THEREOF. Chap.183

Be it enacted, etc., as follows :

SECTION 1. Section seventeen of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four is hereby amended by inserting after the word "facts" in the third line of said section the words : — under oath, — so that as amended said section shall read as follows : — *Section 17.* Every application, in order to entitle the applicant to appear for examination or to be examined, must state the facts under oath on the following subjects : 1. Full name, residence, and post office address. 2. Citizenship. 3. Age. 4. Place of birth. 5. Health and physical capacity for the public service. 6. Right of preference by reason of military or naval service. 7. Previous employment in the public service. 8. Business or employment and residence for the previous five years. 9. Education. Such other information shall be furnished as may reasonably be required touching the applicant's fitness for the public service.

Civil service.

Applicants for examination.

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

Approved March 29, 1889.

AN ACT TO ENABLE THE CITY OF FITCHBURG TO ISSUE BONDS, NOTES OR SCRIP FOR THE PAYMENT OF ITS WATER INDEBTEDNESS. Chap.184

Be it enacted, etc., as follows :

SECTION 1. The city of Fitchburg, for the purpose of paying and refunding its water indebtedness already incurred or authorized by said city, may from time to time issue bonds, notes or scrip to an amount not exceeding one hundred thousand dollars, payable in periods not exceeding ten years from the date of issue and bearing interest at rates not exceeding four per cent. per annum ; but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall in all other respects apply to the issue of said bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

May issue bonds for refunding water indebtedness.

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

Approved March 29, 1889.

Chap.185 AN ACT TO PROVIDE FOR THE DISPOSITION OF LEGACIES BE-
QUEATHED TO MINORS WHO HAVE NO LEGAL GUARDIAN.

Be it enacted, etc., as follows:

Disposition of legacies be-queathed to minors who have no legal guardian.

SECTION 1. Whenever a person named as a legatee, under the provisions of a will duly proved in the probate court, is under the age of twenty-one years and has no legal guardian, the court may, on being satisfied of said fact, direct that the legacy due to such person be deposited or invested in the manner set forth in section sixteen of chapter one hundred and forty-four of the Public Statutes and subject to the provisions thereof.

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

Approved March 29, 1889.

Chap.186 AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS ON
DAYS OF SPECIAL ELECTIONS IN CITIES.

Be it enacted, etc., as follows:

Sale of intoxicating liquors on days of special elections in cities.

SECTION 1. The provisions of chapter two hundred and sixteen of the acts of the year eighteen hundred and eighty-five, prohibiting the sale of intoxicating liquors on election days, shall not apply, in cases of special elections in cities, to wards in which no election is held.

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

Approved March 29, 1889.

Chap.187 AN ACT TO AUTHORIZE THE WILLIAMSTOWN WATER COMPANY TO
TAKE BY PURCHASE OR OTHERWISE THE FRANCHISE AND PROP-
ERTY OF THE WILLIAMS AQUEDUCT COMPANY.

Be it enacted, etc., as follows:

Williamstown Water Company may purchase franchise, etc., of the Williams Aqueduct Company.

SECTION 1. The Williamstown Water Company is hereby authorized to take by purchase or otherwise the franchise, corporate property, easements and all the rights and privileges of the Williams Aqueduct Company, organized under chapter forty of the Revised Statutes in the year eighteen hundred and sixty, at a price which may be mutually agreed upon between said water company and said aqueduct company; and said aqueduct company is authorized and empowered to make sale of the same to said water company.

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

Approved March 29, 1889.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. Chap. 188

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 auditor of the Commonwealth, the sum of five hundred dollars, as authorized by chapter seventy of the acts of the present year, being in addition to the three thousand dollars appropriated by chapter four of the acts of the present year. Auditor of the Commonwealth, salary.

For the salary of the second clerk of the commissioners of savings banks, the sum of three hundred dollars, as authorized by chapter seventy-seven of the acts of the present year, being in addition to the nine hundred dollars appropriated by chapter four of the acts of the present year. Commissioners of savings banks, second clerk.

For extra clerical assistance in the department of the secretary of the Commonwealth, a sum not exceeding one thousand dollars, as authorized by chapter one hundred and one of the acts of the present year, being in addition to the eleven thousand dollars appropriated by chapter four of the acts of the present year. Secretary of Commonwealth, clerical assistance.

For the further protection, preservation and propagation of lobsters, a sum not exceeding two thousand dollars, as authorized by chapter one hundred and nine of the acts of the present year. Protection of lobsters.

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

For furnishing ballots sent to town clerks in the year eighteen hundred and eighty-eight, provided for by chapter four hundred and thirty-four of the acts of the year eighteen hundred and eighty-eight, the sum of one hundred and fifty-five dollars and thirty-nine cents ; and for furnishing ballots for the present year for the same purpose, as well as for taking the vote on the amendment to the constitution in regard to the manufacture and sale of intoxicating liquors as a beverage, a sum not exceeding fifteen hundred dollars. Ballots furnished to town clerks.

Charles D. Jenkins.

For Charles D. Jenkins, the sum of eighty-four dollars and forty-six cents, as authorized by chapter eleven of the resolves of the present year.

Massachusetts Agricultural College.

For the Massachusetts agricultural college, the sum of ten thousand dollars, as authorized by chapter twelve of the resolves of the present year.

Report of railroad commissioners.

For printing an additional number of copies of the report of the railroad commissioners, a sum not exceeding one thousand dollars, as authorized by chapter thirteen of the resolves of the present year.

Protection of town of Hadley.

For the further protection of the town of Hadley against the encroachments of the Connecticut river upon said town, a sum not exceeding fifteen thousand dollars, as authorized by chapter seventeen of the resolves of the present year.

Report of board of registration in dentistry.

For printing extra copies of the report of the board of registration in dentistry, a sum not exceeding two hundred dollars, as authorized by chapter eighteen 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 twenty-four of the resolves of the present year.

George White.

For George White, the sum of eight hundred and thirty-seven dollars and thirty-six cents, as authorized by chapter twenty-five of the resolves of the present year.

William Cogswell.

For the payment of certain bills incurred by William Cogswell, M.D. for medical examinations and inquests, the sum of two hundred and fifteen dollars and ten cents, as authorized by chapter twenty-seven of the resolves of the present year.

Agent to care for property acquired for use of state.

For compensation and expenses of an agent to care for the property acquired by the Commonwealth for the better accommodation of the state government, a sum not exceeding one thousand dollars, as authorized by chapter thirty-two of the resolves of the present year.

Report of state board of health on sewerage, etc.

For printing two thousand extra copies of the report of the state board of health on the sewerage of the Mystic and Charles river valleys, a sum not exceeding thirteen hundred dollars, as authorized by chapter thirty-three of the resolves of the present year.

George W. Warren.

For George W. Warren, the sum of three hundred and fifty-seven dollars, as authorized by chapter thirty-six of the resolves of the present year.

For Abby P. Choate, the sum of sixteen hundred and forty-six dollars and fifty cents, as authorized by chapter thirty-seven of the resolves of the present year. Abby P. Choate.

SECTION 2. This act shall take effect upon its passage.
Approved March 29, 1889.

AN ACT MAKING APPROPRIATIONS FOR THE COMMONWEALTH'S FLATS IMPROVEMENT FUND AND FOR THE PRISON AND HOSPITAL LOAN SINKING FUND. Chap. 189

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 wit:— Appropriations.

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

For the prison and hospital loan sinking fund, as authorized by section thirty-six of 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.

SECTION 2. This act shall take effect upon its passage.
Approved March 29, 1889.

AN ACT TO AUTHORIZE A LOAN FOR THE CONSTRUCTION OF A PUBLIC PARK IN BROOKLINE. Chap. 190

Be it enacted, etc., as follows:

SECTION 1. For the purpose of defraying the cost and expenses of constructing Muddy river or Riverdale park, so called, in Brookline, in connection with the sanitary improvement of Muddy river, the town of Brookline, by a vote passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes, may authorize its treasurer to issue from time to time, when directed by the park commissioners of said town, negotiable bonds or certificates of indebtedness to the amount of one hundred and fifty thousand dollars, payable in not exceeding twenty years from their date and bearing interest at a rate not exceeding four per centum per annum, to be denominated on the face thereof, Brookline Park Construction Loan; said bonds or certificates shall not be valid unless Loan authorized for a public park in Brookline.

Brookline Park Construction Loan.

countersigned by a majority at least of the board of selectmen of said town.

Provisions of P. S. 29 to apply.

SECTION 2. The provisions of said chapter twenty-nine of the Public Statutes, as far as applicable, and except so far as herein modified, shall apply to said loans: *provided*, that instead of establishing a sinking fund for the payment of said indebtedness as therein provided, said town may, if it sees fit, provide by a majority vote for the payment of said indebtedness in such annual proportionate payments as will extinguish the same at the time fixed for the maturity of said loans; and if such vote is passed, the amounts required thereby shall, without further vote, be assessed by the assessors in each year thereafter until the debt 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.

Sinking fund, etc.

Return to state amount of fund, etc.

SECTION 3. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established, and if not so 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.

Bonds to be sold from time to time.

SECTION 4. Said treasurer shall sell said bonds and certificates or any part thereof, from time to time, under the direction of the park commissioners of said town; and shall retain the proceeds thereof in the treasury of said town, and pay therefrom the expenses incurred for the purposes aforesaid.

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

Approved March 29, 1889.

*Chap.*191 AN ACT TO PROVIDE FOR THE ELECTION OF TOWN AUDITORS BY BALLOT.

Be it enacted, etc., as follows:

Election by ballot.

The election of auditors in towns shall be by ballot.

Approved March 29, 1889.

AN ACT CONCERNING THE ADMINISTRATION OF ESTATES AFTER THE
EXPIRATION OF TWENTY YEARS FROM THE DECEASE OF A TESTA-
TOR OR INTESTATE. Chap.192

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter one hundred and thirty of the Public Statutes is amended to read as follows: — *Section 4.* When administration has not been taken on the estate of a testator or intestate within twenty years after his decease, or when any property or claim or right thereto remains undistributed or thereafter accrues to such estate and remains to be administered, the probate court may for good cause shown grant original administration on such property, but such administration shall affect no other property. Administration after expiration of twenty years from decease.

SECTION 2. Chapter two hundred and forty-two of the acts of the year eighteen hundred and eighty-five is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved March 29, 1889.

AN ACT RELATING TO APPEALS FROM ORDERS PASSED BY BOARDS
OF HEALTH CONCERNING OFFENSIVE TRADES. Chap.193

Be it enacted, etc., as follows:

SECTION 1. Sections eighty-eight, eighty-nine and ninety-one of chapter eighty of the Public Statutes relating to appeals from orders passed by boards of health are hereby amended so as to read as follows: — *Section 88.* Any person aggrieved by an order passed under section eighty-four or ninety-three may appeal therefrom, and if he shall within three days from the service thereof upon him file a petition in the clerk's office of the superior court, in the county where the premises are located with reference to which such order is made, for a jury, a trial may, after such notice as the court shall order to the board, be had at the bar of the court, in the same manner as other civil cases are there tried by jury. If a person by mistake of law or fact, or by accident, fails to appeal from any such order and to file his petition for a jury within three days, and if he makes it appear to the court or justice that such failure was caused by mistake or accident, and that he has not since the service of such order upon him exercised such trade or employment Appeals from orders passed by boards of health concerning offensive trades.

contrary to the order, he may at any time within thirty days from the service of the order upon him appeal therefrom and file his petition for a jury with the same effect as if done within the said three days. *Section 89.*

Trade not to be exercised during pendency of appeal.

During the pendency of the appeal such trade or employment shall not be exercised contrary to the order unless specially authorized by said board after the appeal, and if so specially authorized, all further proceedings by said board shall be stayed during the pendency of the appeal; and upon any violation of the order, unless specially authorized as aforesaid, the appeal shall forthwith be dismissed. *Section 91.* If the order is affirmed by the verdict, the town shall recover costs against the appellant. If it is annulled, and the appellant has not been specially authorized by said board after the appeal to exercise such trade or employment during the pendency of the appeal, he shall recover damages and costs against the town; and if he has been specially authorized as aforesaid and the order is annulled, or if it is altered, the appellant shall not recover damages against the town, and the court may render such judgment as to costs as in its discretion may seem just.

Damages and costs.

Amendment to P. S. 80, § 90.

SECTION 2. Section ninety of said chapter eighty is hereby amended by inserting at the end thereof the following words: — and may also be enforced by injunction or other order of the court in equity.

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

Approved March 29, 1889.

Chap. 194 AN ACT TO AUTHORIZE COURT UNITY NO. 7469, ANCIENT ORDER OF FORESTERS, OF BLACKSTONE, TO HOLD REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Real and personal estate not to exceed \$10,000.

SECTION 1. Court Unity No. 7469, Ancient Order of Foresters, of Blackstone, incorporated in accordance with the provisions of chapter four hundred and twenty-nine of the acts of the year eighteen hundred and eighty-eight, is hereby authorized to hold real and personal estate to an amount not exceeding ten thousand dollars.

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

Approved March 29, 1889.

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO RAISE MONEY *Chap.195*
FOR THE CELEBRATION OF THE COMPLETION OF THE NATIONAL
MONUMENT TO THE PILGRIMS IN PLYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth is authorized to May raise money for celebration of completion of monument. raise by taxation a sum of money not exceeding one-thirtieth of one per centum of the assessed valuation of said town in the year one thousand eight hundred and eighty-eight for the purpose of celebrating the completion of the national monument to the Pilgrims in said town.

SECTION 2. This act shall take effect upon its passage.
Approved March 29, 1889.

AN ACT TO REGULATE THE ASSESSMENT AND REGISTRATION OF *Chap.196*
VOTERS.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and seventy-one of the acts of the year eighteen hundred and eighty-five as amended by chapter sixty-eight of the acts of the year eighteen hundred and eighty-six, relating to the making of lists of persons liable or desiring to be assessed for a poll tax and to the furnishing of such lists to the registrars of voters, is hereby amended so as to read as follows:—*Section 1.* The assessors of taxes themselves or by their assistant assessors shall, in the month of May or June in each year, visit each dwelling-house or building in their respective cities or towns, and shall make true lists of all male persons twenty years of age and upwards, liable to be assessed for a poll tax, returned to them by the owners or occupants of such dwelling-houses or buildings as residing therein, and also of all women twenty years of age and upwards, who shall in writing over their own signatures request the assessors to assess them for a poll tax, and it shall be the duty of the assessors to inquire at each such dwelling-house or building for such written requests for assessment. The assessors shall ascertain, as nearly as may be, and include in such lists the age and occupation of all persons so liable or desiring to be assessed, together with their residences on the first day of May of the current and the preceding years. The assessors shall furnish such original lists or certified copies thereof to the registrars of voters of their respective cities or towns, from time to time, Assessment and registration of voters regulated.

before the fifteenth day of July ensuing; and such assessors and the collectors of taxes shall furnish any further information in their possession necessary to aid the registrars and assistant registrars in the discharge of their respective duties.

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

Approved March 29, 1889.

Chap.197 AN ACT ENLARGING AND DEFINING THE POWERS OF WOMEN APPOINTED SPECIAL COMMISSIONERS.

Be it enacted, etc., as follows :

Powers enlarged and defined.

SECTION 1. Special commissioners, appointed and qualified under the provisions of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-three, shall have the same powers as justices of the peace for the following purposes: to administer all oaths which may be administered by a justice of the peace, to take depositions and affidavits, to take acknowledgments of deeds and other instruments, and to issue summonses for witnesses.

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

Approved March 29, 1889.

Chap.198 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE FIRST DISTRICT COURT OF NORTHERN MIDDLESEX.

Be it enacted, etc., as follows :

Salary of justice.

SECTION 1. The salary of the justice of the first district court of Northern Middlesex shall be one thousand dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

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

Approved April 1, 1889.

Chap.199 AN ACT TO CHANGE THE NAME OF THE CHRISTIAN UNION CHURCH OF STONEHAM.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The name of the Christian Union Church, a religious society located at Stoneham, is hereby changed to the First Unitarian Church of Stoneham.

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

Approved April 1, 1889.

AN ACT TO AUTHORIZE THE LUDLOW MANUFACTURING COMPANY TO SUPPLY THE TOWN OF LUDLOW WITH WATER AND WITH ELECTRICITY FOR LIGHTING AND OTHER PURPOSES. *Chap.200*

Be it enacted, etc., as follows:

SECTION 1. The Ludlow Manufacturing Company may supply itself and the inhabitants and occupants of the town of Ludlow, within one mile from the Chicopee river, 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 so far as the same may be applicable; may establish fountains and hydrants, relocate 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 supply town of Ludlow with water.

SECTION 2. The said company for the purposes aforesaid may contract with any city or town adjoining the said town of Ludlow to supply said water, and the cities or towns adjoining said town of Ludlow are authorized to make any such contracts; or it may take by purchase or otherwise and hold the waters of said Chicopee river within the limits of or where it borders on the above described district, and of any stream or spring or artesian or driven wells within the said district, and the water rights connected with any such water sources; or may take by purchase or otherwise the waters of Chapin's pond and Wood's pond, both in the town of Ludlow; and also all lands, rights of way and easements necessary for holding and preserving such water, for erecting a standpipe and other works and for conveying the same to any part of the said district. The said company may also erect and maintain on the land thus taken or held proper dams, buildings, standpipes, fixtures, pumps 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 construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, public or private ways in said district or in said town of Ludlow, and along such ways in such manner as not unnecessarily to obstruct the same; and for the purpose May contract with any city or town adjoining Ludlow to supply water.

May take lands.

May erect dams and procure and operate machinery.

of constructing and maintaining such conduits, pipes and other works, and for all proper purposes of this act, said company may dig up any such lands in said district or in said town of Ludlow, and, under the direction of the selectmen, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel. In case said company shall take the waters of said Chicopee river under this act, it shall be limited to an amount of water not exceeding three hundred thousand gallons daily.

May dig up lands.

To file in registry of deeds a description of lands taken.

SECTION 3. The said company shall, within sixty days of 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 purposes for which the same were taken.

Company to pay damages sustained.

SECTION 4. The said company 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 by the said company under the authority of the foregoing sections of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said company 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 two years from the taking of such land or other property under the foregoing sections of this act; but no such application shall be made after the expiration of said two years; except that application, proceeding or suit for assessment of damages shall be made or begun for the taking of any water, water right, or for any injury thereto, within two years from the time when the water is actually withdrawn or diverted by said company under the authority of this act; but no person or corporation shall be entitled to damages for the taking or withdrawal of water from the Chicopee river or otherwise, which the said Ludlow Manufacturing Company had a right to take and withdraw before the passage of this act.

Town of Ludlow may purchase franchise.

SECTION 5. The said town of Ludlow shall have the right at any time to purchase of the said Ludlow Manu-

facturing Company the franchise given by this act to take and distribute water, and such of its pipes, conduits and hydrants as may be entirely and solely and wholly in the public streets of said town of Ludlow, at a price which may be mutually agreed upon. And the said Ludlow Manufacturing Company is hereby authorized to make sale of the same to the said town; and if the said town and the said corporation are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the superior court upon the application by said corporation or town, and notice to the other party, whose award when accepted by the court shall be binding on all the parties. But nothing herein contained shall be construed as giving the said town of Ludlow the right or power to take or compel the said Ludlow Manufacturing Company to sell any water right, franchise, power, privilege or property of any nature whatsoever, which the said company had before the passage of this act.

Company may sell franchise, etc.

SECTION 6. The said company may supply itself and the inhabitants of the town of Ludlow with electricity for lighting, power, mechanical and other purposes; may regulate the use of the same and may fix and collect rates to be paid therefor; and is hereby duly authorized, having first obtained the consent of the selectmen of the said town of Ludlow, to dig up and open any of the streets or ways thereof, as far as may be necessary, suitable or convenient, for the purpose of laying its lines of wires, pipes or conduits, to carry into effect the authority and permission hereby given, and for the purpose of keeping the said lines, pipes and conduits in repair; and is authorized to erect and maintain lines of wire under, upon or above the surface of said streets or ways; but such consent shall not affect the right to recover injury to person or property caused by the default or neglect of said company under the authority hereby given. The said company may erect proper buildings, fixtures, machinery and works necessary, proper and convenient for the establishment and maintenance of complete and effective electric works. The selectmen of the said town of Ludlow may regulate and restrict all acts and doings of said company under this section which may in any way affect the health, safety or property of the inhabitants of said town. Except as hereinbefore

Company may supply town with electricity for lighting, etc.

May erect proper buildings and fixtures.

Powers and duties.

expressly provided, the said company, in respect to, and in connection with, its business of furnishing the said town of Ludlow with electricity under this section, shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to electric light companies.

SECTION 7. This act shall take effect upon its passage.

Approved April 1, 1889.

Chap.201

AN ACT TO AUTHORIZE THE TOWN OF MEDFORD TO IMPROVE ITS WATER SUPPLY AND ISSUE BONDS FOR THE PAYMENT AND REFUNDING OF A PORTION OF ITS WATER DEBT.

Be it enacted, etc., as follows :

Town may improve its water supply.

SECTION 1. For the purpose of maintaining, enlarging and preserving the purity of its water supply, the town of Medford, in addition to any authority heretofore granted, may from time to time take or acquire by purchase or otherwise, hold and improve any portion of the land, water and water rights within the limits of the territory of said town lying south of Spot pond between the line of Stoneham on the north, Forest street on the west, Fulton street on the east, and Elm street on the southeast and south. The provisions of section two of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy shall apply to and regulate the proceedings in case of any taking under permission of this act.

May issue bonds for refunding water debt.

SECTION 2. For the purpose of refunding such portion of its water debt now outstanding as its sinking fund will not provide for, and for extending, improving and preserving the purity of its water supply, as heretofore and also as by the first section of this act authorized, the town of Medford may from time to time issue bonds to an amount not exceeding two hundred and fifty thousand dollars, bearing such rate of interest not exceeding five per cent. per annum, payable semi-annually, and to become due and payable at such time or times, not later than July first, nineteen hundred and ten, as said town may decide ; and such bonds shall be signed by the treasurer of said town and be countersigned by the water commissioners thereof.

Sinking fund to be established.

SECTION 3. Said town upon issuing such bonds shall establish a sinking fund, sufficient with the yearly addi-

tions herein provided for and its other accumulations, to provide for the payment of the principal thereof at maturity. The provisions of sections three, seven and eight of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, and of section one of chapter fifty-seven of the acts of the year eighteen hundred and seventy-eight shall apply to such sinking fund, except that said town may in any year raise by taxation for the purposes of said sinking fund an amount not exceeding five thousand dollars; and, in addition, any premiums received from the sale of bonds issued under authority of this act shall be paid into such sinking fund forthwith upon their receipt.

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

Approved April 1, 1889.

AN ACT TO AUTHORIZE THE SELECTMEN OF THE TOWN OF BOURNE TO SELL THE RIGHT TO TAKE ALEWIVES IN SAID TOWN AT PUBLIC AUCTION.

Chap.202

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Bourne may annually sell at public auction the right to take alewives in the Herring river in said town, instead of appointing a person or persons to take the same as now provided by law.

May sell right to take alewives.

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

Approved April 3, 1889.

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR REBUILDING THE BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN HOLYOKE AND SOUTH HADLEY.

Chap.203

Be it enacted, etc., as follows:

SECTION 1. If, for the purpose of rebuilding and constructing the bridge across the Connecticut river between Holyoke and South Hadley, the county commissioners of the counties of Hampden and Hampshire deem it necessary to widen the same and its piers and abutments they are hereby directed to widen and extend said piers and abutments on the southerly side thereof, and to take and appropriate any land adjoining the location as now established which shall be, in their judgment, required therefor.

Extension of piers and abutments.

SECTION 2. Said commissioners, before entering upon said land for the purpose of widening and extending said

Report and survey of lands taken to be filed

with clerk of
the courts.

piers and abutments, shall file in the office of the clerk of the courts of the county where the land lies a report and survey showing the quantity of every owner's land in said county taken for the purposes aforesaid; also such estimate of damages as said commissioners, after a hearing of the parties, shall award for land so necessarily taken and appropriated for said purposes.

Damages.

SECTION 3. Any party aggrieved by the assessment of damages by said commissioners may make application for a jury, of the county where the land lies, to revise and reassess his damages; and all proceedings in relation thereto shall be in accordance with the provisions of chapter forty-nine of the Public Statutes.

Amendment to
1888, 319, § 10.

SECTION 4. Section ten of chapter three hundred and nineteen of the acts of the year eighteen hundred and eighty-eight is hereby amended in the fourth line thereof by striking out "one hundred" and inserting in place thereof: — one hundred and seventy-five.

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

Approved April 5, 1889.

Chap. 204

AN ACT CONCERNING THE PROPERTY OF MARRIED WOMEN.

Be it enacted, etc., as follows:

Amendment to
P. S. 147.

SECTION 1. Section one of chapter one hundred and forty-seven of the Public Statutes is hereby amended by adding at the end thereof the words: — or his tenancy for life in one-half of her real estate in case the husband and wife have had no issue born alive which might have inherited such estate, — so as to read as follows: — *Section 1.* The real and personal property of a woman shall upon her marriage remain her separate property, and a married woman may receive, receipt for, hold, manage and dispose of property, real and personal, in the same manner as if she were sole, except that she shall not without the written consent of her husband destroy or impair his tenancy by the curtesy in her real estate or his tenancy for life in one-half her real estate in case the husband and wife have had no issue born alive which might have inherited such estate.

Property of
married women.

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

Approved April 5, 1889.

AN ACT CONCERNING THE BALDWIN PLACE HOME FOR LITTLE *Chap.*205
WANDERERS.

Be it enacted, etc., as follows :

SECTION 1. The corporation established by chapter Name changed.
ninety-eight of the acts of the year eighteen hundred and
sixty-five under the name of the Baldwin Place Home for
Little Wanderers, shall hereafter be called and known as
the New England Home for Little Wanderers.

SECTION 2. Said corporation may hold real and per- Real and per-
sonal estate.
sonal estate to an amount not exceeding two hundred
thousand dollars in addition to the amount which it is
now authorized by law to hold.

SECTION 3. The number of managers of said corpo- Managers.
ration may be increased, by vote of the board of mana-
gers, to any number not exceeding twenty-one, and the
said board of managers shall have the right to limit and
define the term of office of the managers; and that pro-
vision of the constitution of said corporation which for-
bids any change to be made therein, except as made
necessary by law, is hereby annulled.

SECTION 4. Said corporation may be appointed guar- Corporation
may be ap-
pointed guar-
dian.
dian of any minor child in its care, with the same powers
and duties as are prescribed for guardians of minor chil-
dren by chapter one hundred thirty-nine of the Public
Statutes.

Approved April 5, 1889.

AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE CLERK OF THE *Chap.*206
MUNICIPAL COURT OF THE CHARLESTOWN DISTRICT OF THE CITY
OF BOSTON.

Be it enacted, etc., as follows :

SECTION 1. If deemed necessary by the justice of the Clerical
assistance.
municipal court of the Charlestown district of the city of
Boston, the clerk of said court shall be allowed a sum not
exceeding five hundred dollars in any one year for clerical
assistance actually performed, to be paid to the persons
actually performing the same upon their certificate stating
the amount of the work done, with the approval of the
said justice attached to or accompanying the same.

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

Approved April 5, 1889.

Chap.207 AN ACT TO ABOLISH THE HOPLAND SCHOOL DISTRICT IN THE TOWN OF LEE.

Be it enacted, etc., as follows:

Hopland School District abolished.

SECTION 1. The act of the legislature, approved March seventh in the year of our Lord seventeen hundred and ninety-one, incorporating a certain part of the town of Lee in the county of Berkshire into a school district by the name of the Hopland School District, and all subsequent acts or parts of acts in amendment thereof or in addition thereto are hereby repealed.

Funds, etc., to be transferred to town of Lee.

SECTION 2. The treasurer of the said Hopland School District shall, and is hereby authorized, upon the passage of this act to convey and transfer to the town of Lee all the funds and all other property of whatever nature now belonging to said Hopland School District.

Property to be used for support of schools.

SECTION 3. The town of Lee shall, under the direction of their school committee, use and expend all the money, funds and avails of any property received from the Hopland School District under this act for the support and maintenance of schools in said town in the same manner as other school funds are used.

Money, etc., received to be in full satisfaction of all taxes, etc.

SECTION 4. The money, funds and property received from said Hopland School District under this act shall be in full satisfaction of all taxes, assessments and claims which said town might make or have under the provisions of chapter forty-five of the Public Statutes of this Commonwealth on account of the abolition of said Hopland School District.

Property liable to taxation for all purposes.

SECTION 5. After the passage of this act the property included in the territory formerly the said Hopland School District, shall be liable to taxation and be assessed and taxed for all purposes, including the support of schools, school-houses and school purposes, the same as the property in other parts of said town.

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

Approved April 5, 1889.

Chap.208 AN ACT IN RELATION TO THE RETURNS OF BIRTHS AND DEATHS.

Be it enacted, etc., as follows:

Certified copy of record of certain births and deaths.

SECTION 1. The clerk or registrar of each city and town shall on the first day of each month make a certified copy of the record of all deaths and births recorded in

the books of said city or town during the previous month, whenever the deceased person or the parents of the child born, were resident in any other city or town in this Commonwealth at the time of said death or birth; and shall transmit said certified copies to the clerk or registrar of the city or town in which such deceased person or parents were resident at the time of said death or birth, stating in addition the name of the street and number of the house, if any, where such deceased person or parents so resided, whenever the same can be ascertained; and the clerk or registrar so receiving such certified copies shall record the same in the books kept for recording deaths or births. Such certified copies shall be made upon blanks to be furnished for that purpose by the secretary of the Commonwealth.

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

Approved April 5, 1889.

AN ACT PROVIDING FOR ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF WORCESTER.

Chap.209

Be it enacted, etc., as follows:

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 five hundred and fifty 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.

Allowance for additional clerical assistance.

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

Approved April 5, 1889.

AN ACT RELATIVE TO VOTING BY PROXY AT MEETINGS OF STREET RAILWAY COMPANIES.

Chap.210

Be it enacted, etc., as follows:

SECTION 1. Section twelve of chapter one hundred and thirteen of the Public Statutes, relative to voting by proxy at meetings of street railway companies, is hereby amended by striking out at the end thereof the words "and no person shall, as proxy or attorney, cast more than fifty votes, unless all the shares so represented by him are owned by one person."

No person to cast more than fifty votes as proxy, unless, etc.

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

Approved April 5, 1889.

Chap.211 AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows :

Salary of judge. SECTION 1. The salary of the judge of probate and insolvency for the county of Bristol shall be twenty-five hundred dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

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

Approved April 5, 1889.

Chap.212 AN ACT TO PROVIDE FOR THE FURTHER AND SPEEDIER PUBLICATION OF THE LAWS.

Be it enacted, etc., as follows :

Publication and distribution of the laws.

SECTION 1. The secretary of the Commonwealth shall hereafter cause to be published at the close of each session of the general court three thousand copies of the pamphlet edition of the acts and resolves passed, and of any proposed amendments of the constitution agreed to during such session, in addition to the number now required by section three of chapter four of the Public Statutes, and he shall also cause a copy of each separate portion or signature, so called, of such edition, as soon as it may be printed, to be sent to each of the following officers : — the clerks of the several cities and towns, for the use of the inhabitants thereof; the justices and clerks of the supreme judicial and superior courts; the judges and clerks of the municipal, police and district courts; the judges and registers of the probate courts; the district attorneys; the sheriffs; the trial justices; the justices of the peace designated to issue warrants and take bail; the county law libraries of the Commonwealth.

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

Approved April 5, 1889.

Chap.213 AN ACT TO AUTHORIZE THE TOWN OF NORTHBOROUGH TO RAISE A SUM OF MONEY FOR THE PURPOSE OF ERECTING A MONUMENT TO THE MEMORY OF MARY GOODNOW.

Be it enacted, etc., as follows :

May raise money for erection of a monument.

SECTION 1. The town of Northborough is hereby authorized to raise by taxation the sum of one hundred dollars for the purpose of erecting a monument to the

memory of Mary Goodnow, and to purchase what land may be needed for such purpose.

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

Approved April 5, 1889.

AN ACT TO INCORPORATE THE LOWELL POLICE RELIEF ASSOCIATION. Chap.214

Be it enacted, etc., as follows:

SECTION 1. Edward J. Noyes, Jacob G. Favor, Charles Howard, Daniel M. Hayes, Charles Laflamme, James A. McQuade, Thomas J. Sanborn, Thomas E. Allen, their associates and successors, all of whom shall be members of the police department of the city of Lowell, are hereby made a corporation by the name of the Lowell Police Relief Association, in the city of Lowell, for the purpose of assisting the families of deceased members of said association, and the members thereof when sick or disabled, or upon their resignation or discharge from the police department of said Lowell, or upon the decease of their wives, with all the powers and privileges set forth in all general laws which now are or may hereafter be in force relating to such corporations: *provided*, that said corporation shall not be subject to the laws relating to life insurance companies, and shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said corporation under the by-laws thereof or under the provisions of this act.

Lowell Police Relief Association, incorporated.

Powers and duties.

SECTION 2. Said corporation for the purposes aforesaid shall have power to receive grants, devises, bequests and donations, and may hold real and personal estate not exceeding one hundred thousand dollars in value.

May receive donations, and may hold real and personal estate.

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

Approved April 5, 1889.

AN ACT RELATIVE TO THE OFFICIAL SIGNATURES OF ASSISTANT CLERKS OF COURTS. Chap.215

Be it enacted, etc., as follows:

SECTION 1. If in any court there are two or more assistant clerks, it shall not be necessary for any of such clerks, when required to sign documents in their official capacities, to prefix to their official titles the words

Official signatures of assistant clerks of courts.

“first”, “second”, or other like designations of their respective positions.

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

Approved April 5, 1889.

Chap.216 AN ACT TO CHANGE THE NAME OF THE CITY HOSPITAL IN THE CITY OF QUINCY.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The City Hospital of the City of Quincy shall hereafter be called and known as the City Hospital of Quincy.

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

Approved April 5, 1889.

Chap.217 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE MUNICIPAL COURT OF THE ROXBURY DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Salary of justice.

SECTION 1. The salary of the justice of the municipal court of the Roxbury district of the city of Boston shall be twenty-five hundred dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

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

Approved April 5, 1889.

Chap.218 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE SECOND DISTRICT COURT OF EASTERN WORCESTER.

Be it enacted, etc., as follows :

Salary of clerk.

SECTION 1. The salary of the clerk of the second district court of eastern Worcester shall be six hundred dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

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

Approved April 5, 1889.

Chap.219 AN ACT TO AMEND SECTION ONE OF CHAPTER TWO HUNDRED AND SIXTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN RELATING TO THE ENLARGEMENT OF THE JAIL AT NEWBURYPORT.

Be it enacted, etc., as follows :

Enlargement of jail at Newburyport.

SECTION 1. Section one of chapter two hundred and sixty-two of the acts of the year eighteen hundred and

eighty-seven is hereby amended by striking out the word "ten" in the fourth line of said section and inserting in place thereof the word:—fifteen,—so as to read 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 fifteen thousand dollars.

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

Approved April 5, 1889.

AN ACT TO AUTHORIZE THE TOWN OF WEYMOUTH TO MAKE AN ADDITIONAL WATER LOAN. *Chap.220*

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 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 shall 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 authorized to be issued by said town for the same purposes, shall not in any event exceed the sum of four hundred thousand dollars.

May make an additional water loan.

May sell securities or pledge the same for money borrowed.

Not to exceed \$400,000.

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

Approved April 5, 1889.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO EFFECT AN ADDITIONAL DRAINAGE LOAN. *Chap.221*

Be it enacted, etc., as follows:

The city of Brockton, for the purposes mentioned in chapter three hundred and nine of the acts of the year eighteen hundred and eighty-eight and for the purpose of

May effect an additional drainage loan.

City of Brockton Drainage Loan, Act of 1889.

building bridges over the streams and drains therein named, is hereby authorized to borrow, in the manner provided in chapter twenty-nine of the Public Statutes, a sum of money not exceeding fifty thousand dollars, in addition to the amount authorized to be raised under said chapter three hundred and nine, and for this purpose may issue from time to time negotiable bonds, notes or scrip not exceeding said amount. Such bonds, notes or scrip shall bear on their face the words City of Brockton Drainage Loan, Act of Eighteen Hundred Eighty-nine, and shall be payable at the expirations of periods not exceeding thirty years from the date of such issue, and bear such rate of interest as the city council may determine, not exceeding six per centum per annum. Said city 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 a fixed proportion of the principal payable annually. The sinking funds of any loan of said city may be invested in said bonds, notes or scrip. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount raised and applied under this section the current year.

Approved April 5, 1889.

Chap. 222 AN ACT RELATIVE TO THE VOTING AS PROXIES AND THE SOLICITING OF PROXY VOTES BY OFFICERS OF CORPORATIONS AND THE FILING OF LISTS OF STOCKHOLDERS.

Be it enacted, etc., as follows:

Repeal of P. S. 105, §§ 14, 15.

SECTION 1. Sections fourteen and fifteen of chapter one hundred and five of the Public Statutes are hereby repealed.

Removal from office by the supreme judicial court.

SECTION 2. It shall be within the discretion of the supreme judicial court to cause the removal and disqualification from holding office of an officer of a corporation who has, prior to the passage of this act, violated the provisions of said section fourteen of chapter one hundred and five.

List of stockholders, etc., to be filed in office of secretary of the Commonwealth upon request, etc.

SECTION 3. Every corporation established under the laws of this Commonwealth shall, if requested in writing by any stockholder thereof, not less than thirty days and not more than sixty days prior to the annual meeting of stockholders, cause, within fifteen days, to be made and

filed in the office of the secretary of the Commonwealth a complete list of the stockholders as of the sixtieth day prior to the time so fixed, with the place of residence and the number of shares belonging to each stockholder. Such certificate shall be in a form such as the commissioner of corporations shall require or approve, and shall be signed and sworn to by the treasurer of the corporation or, in his stead, by some other officer cognizant of the facts who may be specially appointed by the corporation to make the same. A corporation which omits or neglects to cause a list of its stockholders to be made and filed as aforesaid shall forfeit a sum not exceeding one thousand dollars, and the treasurer or other officer whose duty it is to make such certificate shall in addition be liable to a like sum for such omission or neglect; and these penalties may be enforced in the manner set forth in sections eighty-one and eighty-two of chapter one hundred and six of the Public Statutes.

Penalty for neglect.

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

Approved April 5, 1889.

AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO
INCREASE ITS CAPITAL STOCK.

Chap. 223

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Railroad Company may increase its capital stock by issuing, in addition to the amount of capital stock already authorized to be issued, an amount not exceeding three millions of dollars, so that the authorized capital stock of said Old Colony Railroad Company shall be fifteen millions of dollars and no more. The new stock hereby authorized shall be issued from time to time in accordance with existing laws, and the proceeds thereof applied to providing additional equipment for and improvement of said railroad and other property owned or leased by the said company, to the construction of such additional railroad as it may be authorized by law to construct, and to the payment and reduction of its debts.

May increase capital stock.

Proceeds to be applied to equipment and improvement of road, etc.

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

Approved April 5, 1889.

Chap.224 AN ACT RELATING TO CERTIFICATES OF RETURNS OF DEATHS OF SOLDIERS AND SAILORS WHO SERVED IN THE WAR OF THE REBELLION.

Be it enacted, etc., as follows:

Certificates to give primary and secondary causes of death of soldiers and sailors.

SECTION 1. A physician who has attended a person in his last illness in furnishing a certificate for the purposes of registration as required by section three of chapter thirty-two of the Public Statutes shall, in case the deceased was a soldier or a sailor who served in the war of the rebellion, give both the primary and the secondary or immediate cause of death as nearly as he can state the same. If a physician refuses or neglects to make such certificate he shall forfeit to the treasurer the sum of ten dollars for the use of the town in which he resides.

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

Approved April 8, 1889.

Chap.225 AN ACT TO ENABLE THE CITY OF BROCKTON TO INCUR INDEBTEDNESS FOR THE PURPOSE OF BUILDING A NEW CITY HALL.

Be it enacted, etc., as follows:

May incur indebtedness for building a new city hall.

SECTION 1. The city of Brockton, for the purpose of purchasing land for and of building a city hall, is hereby authorized to incur indebtedness to an amount not exceeding one hundred thousand dollars, and to issue from time to time bonds, notes or scrip therefor, payable in periods not exceeding thirty years from date of issue. Except as above provided, the provisions of chapter twenty-nine of the Public Statutes and chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the incurring of said indebtedness and the issue of such bonds.

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

Approved April 8, 1889.

Chap.226 AN ACT TO AMEND AN ACT TO PROVIDE FOR THE FREE INSTRUCTION OF DEAF MUTES OR DEAF CHILDREN.

Be it enacted, etc., as follows:

Free instruction of deaf mutes or deaf children.

SECTION 1. Upon the request of the parents or guardians, and with the approval of the state board of education, the governor may continue the schooling of meritorious deaf mutes or deaf children of capacity and promise, beyond the existing limitation of ten years, as

provided in chapter two hundred and thirty-nine of the acts of the year eighteen hundred eighty-eight, when such pupils are properly recommended therefor by the principal or other chief officer of the school of which they are members.

SECTION 2. This act shall take effect upon its passage.
Approved April 8, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE MUNICIPAL COURT OF THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON. Chap.227

Be it enacted, etc., as follows :

SECTION 1. The salary of the justice of the municipal court of the Charlestown district of the city of Boston shall be two thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine. Salary of justice.

SECTION 2. This act shall take effect upon its passage.
Approved April 8, 1889.

AN ACT PROVIDING FOR THE APPOINTMENT OF ELECTION OFFICERS IN THE CITY OF WOBURN. Chap.228

Be it enacted, etc., as follows :

SECTION 1. The mayor of the city of Woburn shall, with the approval of the board of aldermen, appoint for each voting precinct in said city the election officers specified in section seven of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four and in accordance with the provisions of said act, excepting that said officers may be appointed at any time subsequent to the passage of this act and shall severally hold office until the first day of November of the present year. Appointment of election officers in city of Woburn.

SECTION 2. This act shall take effect upon its passage.
Approved April 8, 1889.

AN ACT TO PROHIBIT SALES ON STREET CARS BY MINORS UNDER THE AGE OF TEN YEARS. Chap.229

Be it enacted, etc., as follows :

SECTION 1. No street railway corporation shall permit or allow any minor under the age of ten years to enter upon or into any car of such corporation for the purpose of selling or offering for sale newspapers or other articles of merchandise therein. Sales on street cars by minors under ten years, prohibited.

Penalty on corporation.

SECTION 2. A street railway corporation violating the provisions of this act shall forfeit the sum of fifty dollars for each offence, to be recovered by any person in an action of tort, brought within three months thereafter, and the violation by a servant or agent of such corporation shall constitute a violation by such corporation.

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

Approved April 9, 1889.

Chap.230 AN ACT IN AID OF THE HOSPITAL COTTAGES FOR CHILDREN IN BALDWINSVILLE IN THE TOWN OF TEMPLETON.

Be it enacted, etc., as follows:

Allowance for purchase of land and erection of buildings.

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 epileptic and otherwise diseased children, and located in Baldwinsville in the town of Templeton, a sum not exceeding fifty-five thousand dollars, to be expended for the purchase of land and the erection of buildings suitable for the accommodation of the inmates therein: *provided*, that nothing herein contained shall authorize the payment of any part of said sum to the said Hospital Cottages for Children until plans and estimates for said buildings shall have been approved by the governor and council.

Proviso.

Children afflicted with epilepsy or other chronic diseases.

SECTION 2. The state board of lunacy and charity may send to and keep at said Hospital Cottages for Children such number of children afflicted with epilepsy or other chronic diseases as shall be approved by the trustees and superintendent of said corporation, to be maintained at such expense to the Commonwealth as shall be determined by the state board of lunacy and charity and the trustees of said institution.

Repeal.

SECTION 3. Chapter ninety-one of the resolves of the year eighteen hundred and eighty-eight is hereby repealed.

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

Approved April 9, 1889.

Chap.231 AN ACT TO CHANGE THE METHOD OF ELECTING THE BOARD OF ALDERMEN OF THE CITY OF WALTHAM.

Be it enacted, etc., as follows:

Election of aldermen.

SECTION 1. The board of aldermen of the city of Waltham shall be constituted and elected as follows: at

each annual municipal election of said city one alderman shall be elected from the qualified voters of each ward by the qualified voters of the city at large voting in their respective wards or precincts; and two aldermen from wards shall be elected by and from the qualified voters of each ward. Each alderman shall at the time of his election be a resident of the ward from which he is elected and shall hold his office for the municipal year next following his election and until a majority of the succeeding board is elected and qualified.

SECTION 2. This act shall be submitted to the qualified voters of the city of Waltham for its acceptance at the next election for state, district and county officers and shall be void unless such voters, voting in their respective wards or precincts, shall determine to adopt the same. The vote shall be taken by ballot in accordance with the provisions of the election laws of the Commonwealth then in force, so far as the same shall be applicable, in answer to the question, "Shall an act passed by the general court in the year eighteen hundred and eighty-nine entitled 'An Act to change the method of electing the board of aldermen of the city of Waltham' be accepted?" and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. If so adopted, this act shall take effect for the election of municipal officers at the next annual municipal election, and for all other purposes at the beginning of the municipal year in the following January.

Subject to acceptance by the voters.

SECTION 3. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the said city shall take effect upon its passage; but it shall not take further effect unless accepted by the legal voters of said city as herein prescribed.

When to take effect.

Approved April 9, 1889.

AN ACT TO AMEND SECTION TWO OF CHAPTER ONE HUNDRED AND SEVENTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-EIGHT ENTITLED AN ACT TO SUPPLY THE CENTRE VILLAGE OF LEICESTER WITH WATER.

Chap. 232

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and seventy-one of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out after

Water supply for the Centre Village of Leicester.

the word “meter”, in the tenth line of said section, the words “or the waters of any springs or other water sources, on the water sheds of said brooks above the one mile limit above defined”, and inserting in place thereof the words:— and the waters of any springs, wells or other ground water sources on the water shed of said Kettle brook in the town of Paxton.

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

Approved April 9, 1889.

Chap. 233 AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

May maintain a system of sewerage and sewage disposal.

SECTION 1. The city of Newburyport is hereby authorized, by and through the agency of such persons or committee as the city council of said city in joint convention have elected or may elect or appoint, to lay out, construct and maintain a system of sewerage and sewage disposal for said city in accordance with any general plan which has been or may be approved by the state board of health.

May take lands, flats and rights of way, etc.

SECTION 2. Said city shall have full power to take, by purchase or otherwise, any lands, flats, water rights, rights of way or easements in the city of Newburyport necessary for the establishment of such system of sewerage and sewage disposal, together with the outlet or outlets for the discharge of the sewage into tide-water and the connections therewith. Assessments for defraying the expense of constructing and maintaining the common sewers of said system may be made by said city upon persons and estates in the manner provided by chapter fifty of the Public Statutes and acts in amendment thereof, and all the provisions of said chapter and acts applicable shall apply to assessments so laid.

Assessments for defraying expense.

City to pay not less than one-third of cost.

SECTION 3. Said city council may by vote determine what proportion of the cost of said system of sewerage said city shall pay: *provided*, that it shall pay not less than one-third of the whole cost.

To file in registry of deeds a description of lands, etc., taken.

SECTION 4. Said city shall, within sixty days after the taking of any lands, flats, water rights, rights of way, easements or other real estate otherwise than by purchase under and by virtue of this act, file or cause to be recorded in the registry of deeds for Essex county a

description thereof sufficiently accurate for identification with a statement of the purpose for which the same was taken, signed by the persons or committee provided for in section one.

SECTION 5. Said city shall pay all damages sustained by any person or corporation, in property, by reason of such taking, and any person or corporation sustaining damages as aforesaid, who fails to agree with said city 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.

City to pay damages sustained.

SECTION 6. Said city may, for the purposes of this act, carry its sewers under any street, wharf, railroad, highway or other way in such a manner as not unnecessarily to obstruct the same, 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.

May carry sewers under streets, railroads, etc.

SECTION 7. In every case of a petition for the assessment of damages or for a jury, the said city 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 offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs after said date, and the complainant, if he recover damages, shall be allowed costs only to the date of the offer.

May offer in court that a sum specified may be awarded as damages.

SECTION 8. Whenever the city council of said city votes to construct a system of sewerage under this act and elects said persons or committee provided for in section one of this act, said persons or committee and their successors in office shall constitute a construction committee, to contract for the construction and completion of the whole or any part of the system of sewerage authorized by this act; all such contracts to be first submitted to said city council for its approval; and said persons or committee shall exercise all the rights, powers and privileges for that purpose herein granted, have charge of said sewers and system of sewage disposal, when completed, as herein provided, and shall hereafter

Construction committee to make contracts subject to approval of city council.

exercise all the rights, powers and authority granted to said city relative to the duties appertaining thereto.

SECTION 9. The said city 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 one hundred thousand dollars beyond the limit of indebtedness fixed by law for said city. Such bonds, notes or scrip shall bear on the face thereof the words, Newburyport Sewer Loan, Act of 1889, shall be payable at the expiration of periods not exceeding thirty years from the date of issue and shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum; but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to the issue of such bonds, notes or scrip and to the establishment of a sinking fund for the payment thereof at maturity.

Newburyport
Sewer Loan,
Act of 1889.

SECTION 10. This act shall take effect upon its passage.

Approved April 9, 1889.

Chap. 234 AN ACT RELATIVE TO THE RIGHTS OF A HUSBAND OR WIFE IN
THE REAL ESTATE OF A DECEASED WIFE OR HUSBAND.

Be it enacted, etc., as follows :

SECTION 1. Section seventeen of chapter one hundred and twenty-four of the Public Statutes is hereby amended so as to read as follows:— *Section 17.* When a husband or wife claims to be entitled under the provisions of section one or section three of this chapter to an estate in fee in the real estate of a deceased wife or husband, the probate court having jurisdiction of the estate of said deceased shall on a petition of any person in interest and after such notice to all parties interested as the court may order, give a hearing thereon, and if upon the hearing said court shall determine that said husband or wife is entitled to such an estate in fee, it shall enter a decree to that effect, which shall be binding upon all parties and privies thereto; and cause such estate in fee to be assigned and set out by metes and bounds in the same manner as in other partitions of lands of persons deceased, except that, when such assignments cannot be made without greatly injuring the residue of the estate or of some specific part thereof, an undivided portion of such

Rights of hus-
band or wife in
the real estate
of deceased wife
or husband.

real estate or of some part thereof may be set off instead of a specific part.

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

Approved April 9, 1889.

AN ACT TO PROVIDE FOR ESTABLISHING THE TERM OF OFFICE OF OFFICERS AND MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF LOWELL.

Chap.235

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell is authorized to fix and establish by ordinance the length of the term for which the officers and members of its fire department shall hold office.

Term of office of members of fire department.

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

Approved April 9, 1889.

AN ACT TO SUPPLY THE TOWN OF AVON WITH WATER

Chap.236

Be it enacted, etc., as follows:

SECTION 1. The town of Avon may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate 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 of Avon may supply itself with water.

SECTION 2. The said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of Porter's brook or spring in said town or of any other stream or spring or artesian or driven wells within the limits of said town, and the water rights connected therewith; 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 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 way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining

May take and hold waters of Porter's brook.

May construct and lay down conduits.

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.

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

SECTION 3. The said 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.

Town to pay damages.

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 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.

Application for damages not to be made until water is actually withdrawn.

Avon Water Loan not to exceed \$30,000.

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 thirty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Avon 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 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, 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.

To establish a 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.

May provide for payment by annual proportionate payments instead of establishing a sinking fund.

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.

Return to state amount of fund, etc.

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.

To raise by taxation and water rates sufficient for current expenses and interest.

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

Penalty for wilfully corrupting or diverting water.

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.

Board of water commissioners to be elected.

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 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.

Vacancies.

Repeal.

SECTION 11. So much of chapter two hundred and forty of the acts of the year eighteen hundred and eighty-six as authorized the Stoughton Water Company to take any source of water within, or to supply and distribute water to and through, that part of the town of Stoughton which has been set off and incorporated as the town of Avon is hereby repealed.

Subject to acceptance by a two-thirds vote.

SECTION 12. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town of Avon 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.

Approved April 9, 1889.

AN ACT FIXING THE TIMES AND PLACES FOR HOLDING PROBATE COURTS IN THE COUNTY OF PLYMOUTH. *Chap.237*

Be it enacted, etc., as follows:

SECTION 1. Probate courts shall be held in each year in the county of Plymouth, at Plymouth on the second Monday of every month except August, and at Brockton on the fourth Monday of every month except July. Terms of court at Plymouth and Brockton.

SECTION 2. So much of section forty-eight of chapter one hundred and fifty-six of the Public Statutes as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved April 9, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE DISTRICT ATTORNEY FOR THE COUNTY OF SUFFOLK. *Chap.238*

Be it enacted, etc., as follows:

SECTION 1. The salary of the clerk of the district attorney for the county of Suffolk shall be eighteen hundred dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine. Salary of clerk.

SECTION 2. This act shall take effect upon its passage.
Approved April 9, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT CLERK OF THE MUNICIPAL COURT OF THE ROXBURY DISTRICT OF THE CITY OF BOSTON. *Chap.239*

Be it enacted, etc., as follows:

SECTION 1. The annual salary of the assistant clerk of the municipal court of the Roxbury district of the city of Boston shall be one thousand dollars, commencing with the first day of January in the year eighteen hundred and eighty-nine. Salary of assistant clerk.

SECTION 2. This act shall take effect upon its passage.
Approved April 9, 1889.

AN ACT TO CONFIRM THE DOINGS OF THE TRUSTEES OF THE SANDERSON ACADEMY AND SCHOOL FUND, TO CONFIRM THE TITLE OF THE PRESENT TRUSTEES, TO CHANGE THE NAME OF AND TO AUTHORIZE THE SALE OF CERTAIN REAL ESTATE BY SAID CORPORATION. *Chap.240*

Be it enacted, etc., as follows:

SECTION 1. All acts done by the Trustees of the Sanderson Academy and School Fund, in the town of Acts of trustees made valid.

Ashfield, between the twenty-first day of August in the year eighteen hundred and twenty-one and the passage of this act are hereby made valid and confirmed to the same extent as they would have been valid had meetings of said trustees been held and officers thereof elected in each year between said dates, and had records of all such meetings been preserved.

Present acting trustees confirmed as trustees.

SECTION 2. Henry S. Ranney, Albert W. Crafts, Charles Eliot Norton, Charles Howes, Alvin Hall, Archibald D. Flower, Frederick L. Greene and Frederick G. Howes, the present acting trustees, are hereby confirmed as trustees of said academy and school fund.

Name changed.

SECTION 3. The Trustees of the Sanderson Academy and School Fund, in the town of Ashfield, shall hereafter take the name of and be called and known as the Trustees of Sanderson Academy.

May sell land and building.

SECTION 4. The Trustees of the Sanderson Academy and School Fund may sell and convey at private or public sale the parcel of land on the southerly side of the main street in Ashfield upon which the school building of said corporation now stands, together with the building thereon standing, and may give to the purchaser or purchasers good title free of any trusts.

Proceeds of sales to be held by trustees.

SECTION 5. The proceeds of any sale or sales made under the provisions of the preceding section shall be held by said Trustees of the Sanderson Academy and School Fund upon the same trusts as such real estate is held.

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

Approved April 9, 1889.

Chap. 241 AN ACT RELATING TO THE QUARTERLY RETURNS OF RAILROAD CORPORATIONS.

Be it enacted, etc., as follows :

Quarterly returns to be made to commissioners.

Every railroad corporation operating a railroad within the Commonwealth shall transmit to the board of railroad commissioners quarterly financial statements in such detail and at such times as said board may require, and such statements shall at reasonable times be opened to public inspection.

Approved April 9, 1889.

AN ACT TO INCREASE THE SALARY OF THE JUSTICE OF THE MUNICIPAL COURT OF THE SOUTH BOSTON DISTRICT OF THE CITY OF BOSTON.

Chap. 242

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the municipal court of the South Boston district of the city of Boston shall be twenty-five hundred dollars per annum, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

SALARY OF
JUSTICE.

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

Approved April 9, 1889.

AN ACT PERMITTING THE ESTABLISHMENT OF A FIRE DISTRICT IN THE TOWN OF HINSDALE.

Chap. 243

Be it enacted, etc., as follows:

SECTION 1. A fire district may be established in the town of Hinsdale to include all the territory within the following limits, that is to say: Beginning at a stone monument on the westerly side of the reservoir road, so called, at or near the southeast corner of lands of G. T. Plunkett, the same being the northeast corner of lands of Martin Baxter, and running along the stone wall which forms the division line of lands of said Plunkett and Baxter north seventy-seven degrees, thirteen minutes west five hundred and fifteen feet to a stone monument at or near the northwest corner of the said Baxter lot; thence northerly about three-fifths of one mile to a stone monument at or near the northwest corner of lands formerly of John Kinney and the southerly line of the Robinson farm; thence along the said southerly line of said Robinson farm as shown by a stone wall south eighty-one degrees, fifty minutes east to the easterly side of a highway leading by the dwelling-house of said Robinson to Dalton; thence northerly about one mile to a stone monument on the town line near the Catholic cemetery where the highway crosses from Hinsdale into Dalton, said last mentioned highway being the first highway west of the Boston and Albany railroad; thence easterly along said town line crossing the Boston and Albany railroad and the Housatonic river about three-fourths of one mile to a stone monument at an angle in the said town line; thence southeasterly about one and one-tenth miles to a

Fire district
may be estab-
lished in town
of Hinsdale.

stone monument on the westerly side of the road leading from Maple street to Windsor at the point where Potash brook, so called, crosses said road; thence southerly about one-half a mile to the southeast corner of the property now owned by the Hinsdale Co-operative Creamery Association; thence south eighty degrees, fifteen minutes west about one and one-quarter miles to the place of beginning.

Limits of proposed district, number of voters, etc., to be stated in the petition.

SECTION 2. Before the district is constituted and organized a petition shall be presented to the town at a legal meeting, stating the limits of the proposed district, the number of inhabitants, the number of voters and the amount of taxable property in said proposed district, as near as the same can be ascertained from the records and statistics of the town. If at said meeting the town shall vote in favor of constituting and organizing said district, the inhabitants of the said district may proceed to constitute and organize the same in accordance with the provisions of the laws relating to fire districts. If at said meeting the town shall not vote in favor of constituting and organizing said district, said town may vote in favor of constituting and organizing the same at any legal meeting called for that purpose and in the manner herein provided, within three years from the passage of this act: the number of said meetings called for that purpose in any one year not to exceed two.

Board of commissioners to be elected.

SECTION 3. The legal voters of the said fire district of the town of Hinsdale shall, within one year from the organizing of said district, at a meeting called for the purpose, choose by ballot a board of three commissioners, who shall be a board of commissioners of hydrants, water tanks for fire purposes, sidewalks, common sewers, main drains, lamps and street sprinkling, all of whom shall be legal inhabitants and voters in said district. Said commissioners shall serve until the next annual meeting of said district and until others are chosen and qualified in their stead; and said district shall thereafter at the regular annual meeting of said district choose by ballot three such commissioners, who shall serve during the ensuing year and until others are chosen and qualified in their stead. And said district shall have authority to fill any vacancy in said board at any meeting of said fire district regularly called for that purpose. Said commissioners shall be sworn and shall receive no compensation.

Vacancies.

SECTION 4. Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and said board shall expend the same for the purposes prescribed by vote of the district, and every member of said board of commissioners shall be accountable to said district for any money received by him; and said district may maintain a suit therefor in the name of the inhabitants of said district. Said board shall not expend any money which has not been duly appropriated by the district and shall have no authority to bind the district to the payment of money in excess of its appropriation or for any purpose not specified by the vote of the district appropriating the same. But said district shall not during any year raise by tax any amount of money exceeding one-tenth of one per cent. of the taxable property in said district.

Board to expend money raised by the district.

SECTION 5. The clerk of the district shall, on or before the first day of May of each year, certify to the assessors of the town of Hinsdale all sums voted to be raised by the district during the year last preceding under the provisions of this act, which sums shall be assessed and collected by the officers of the town in the same manner as town taxes are assessed and collected, and shall be paid over to the treasurer of said district who shall hold the same subject to the order of said board. The clerk of said district shall act as clerk of said board and shall enter all its proceedings in the records of said district.

Clerk of district to certify to assessors of Hinsdale, sums voted to be raised.

SECTION 6. It shall be the duty of said board, under the supervision and direction of said district, to construct, reconstruct, erect, repair, maintain and have charge of all main drains constructed by it, and of all common sewers, sidewalks, lamp posts, street lamps and street hydrants in said fire district, and have charge of the sprinkling of the streets therein and of all matters pertaining thereto as herein provided; and to construct such crosswalks as may be ordered by said district; and to keep maps and plans of all such main drains and common sewers.

Board to have charge of main drains, common sewers, etc., under direction of the district.

SECTION 7. Said board shall have authority to determine the grade, width and material, including curbstone, of all sidewalks on the public streets and highways of said district, and to construct, reconstruct and repair such sidewalks in accordance with such determination.

To determine grade and material of sidewalks.

Upon the completion of any sidewalk by said board or the completion of the reconstruction or repair of any sidewalk, or within one year thereafter, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess a portion not exceeding one-half the amount of the same upon all the lands which abut on such sidewalk so made, reconstructed or repaired.

May determine how certain obstructions shall be removed from sidewalks.

SECTION 8. Said board shall have power to determine when, in what manner and to what extent snow, ice, grass, herbage, trees and other obstructions shall be removed from the sidewalks in said district or from any of the same or any portion thereof; and to fix by-laws and penalties regulating the same, subject to the approval of said fire district, and also by-laws and penalties prohibiting the deposit of ashes, garbage, filth or other refuse matter on the streets and sidewalks within the limits of said district.

Sidewalk not to be dug up, etc., without consent of the board.

SECTION 9. No sidewalk graded, constructed, reconstructed or repaired in said district, in conformity to the provisions of this act, shall be dug up or obstructed in any part thereof without the consent of said board; and whoever rides, or drives or leads any neat cattle, or uses any vehicle moved by hand other than those used for the carriage of children, invalids or persons disabled, upon or along any sidewalk in said district except to cross the same, or shall dig up or otherwise obstruct the same, without such consent, shall forfeit a sum not less than one nor more than five dollars for each violation of the provision of this section.

Fire district may order board to construct crosswalks.

SECTION 10. Said fire district, at meetings called for that purpose, may order said board to construct crosswalks in any of the streets in said district on which they have authority to construct sidewalks. Said board shall construct all such crosswalks at the expense of said district and shall repair and reconstruct the same when ordered by said district, and at its expense.

Board to lay, etc., main drains as voted by district.

SECTION 11. Said board shall lay, make, reconstruct and maintain in said district all such main drains and common sewers as said district, at a legal meeting called for that purpose, shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary;

and for these purposes may take, in the manner hereafter provided, any land, property or right which in their opinion may be necessary therefor.

SECTION 12. Main drains and common sewers may be constructed in said district by said district which shall be the property of said district and shall be under the charge and control of said board, who shall have the power and authority to regulate the use of the same and to prescribe the mode, terms and conditions in which the same shall be entered by private drains. And no person shall be allowed to enter or discharge into a main drain or common sewer of said district any private drain except by leave of said board and on such terms and conditions as said board shall prescribe; and all such private drains entering any such main drain or common sewer shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as though the same were constructed by said board under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in said district constructed by it and to the compensation, terms and conditions to be made for such use, whether the same have been heretofore or shall hereafter be constructed.

Main drains and common sewers to be property of district, etc.

SECTION 13. All assessments made by said board, as provided for in this act, shall constitute a lien on the real estate assessed for two years from the time of assessment, and for one year after the final determination of any suit or proceedings in which the amount or validity of such assessments shall be drawn in question. Every assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the person then authorized by law to collect taxes in said town. Said collector shall forthwith publish the same by posting up true and attested copies thereof in three several public places in said district; and shall, within thirty days from said publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment shall not be paid within three months from the publication of said list, he shall levy the same, with incidental costs and expenses, by sale of the land, such sale to be conducted in like manner as sales of land for non-payment

Assessments to constitute a lien upon real estate.

Levy to be made upon non-payment of assessment.

of town taxes; and in making such sales and any sales for taxes assessed for said district, such collector and said district and its officers shall have all the powers and privileges conferred by the general laws of the Commonwealth upon collectors of taxes and upon cities and towns and their officers relating to the sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district in the same manner as moneys received by him from taxes assessed for said district by the assessors of Hinsdale.

Money collected to be paid over to treasurer of district.

Assessment invalid by error may be reassessed.

SECTION 14. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment and which has not been paid or which has been recovered back or which has been enforced by an invalid sale, may be re-assessed by the aforesaid board of commissioners for the time being to the just amount which, and upon the estate upon which, such assessment ought at first to have been assessed; and the assessment then re-assessed shall be payable and shall be collected and enforced in the same manner as other assessments.

Person aggrieved may have a trial by jury.

SECTION 15. Any person aggrieved by an assessment made by said board may, at any time within three months from the publication of the list of such assessment as provided in the preceding section, apply by petition to the superior court for the county of Berkshire, and after due notice to the said fire district a trial shall be had at the bar of said court in the same manner in which other civil causes are there tried by jury; and if either request it the jury shall view the place in question. Before filing said petition, the petitioner shall give one month's notice in writing to said board of his intention so to apply, and shall therein particularly specify his objection to the assessments; and to such specification he shall be confined in the hearing by the jury. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed and be collected in the same manner as the assessment; but if the jury shall reduce the amount of the assessment the petitioner shall recover costs.

Description of land taken to be recorded in the registry of deeds.

SECTION 16. Whenever land is taken by virtue of the provisions of section eleven, the said board shall within sixty days after any such taking file in the registry of

deeds of the middle district of the county of Berkshire a description of any lands so taken sufficiently accurate for identification, and a statement of the purpose for which it is taken; and the right to use all lands so taken for the purposes mentioned in said statement shall vest in said fire district and its successors. Damages for land so taken shall be paid by said fire district; and any person aggrieved by the taking of his land under this act, and failing to agree with said board as to the amount of damages, may, upon a petition filed with the county commissioners of the county of Berkshire within one year from the filing of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways; and if either party is not satisfied with the award of damages by the county commissioners, and shall apply for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by the jury, and shall recover costs if the damages are decreased; but if the jury shall award the same damages as were awarded by the county commissioners the party who applied for the jury shall pay costs to the other party.

Damages to be paid by fire district.

SECTION 17. Penalties under the provisions of this act and under any by-laws established in pursuance thereof may be recovered by action of tort brought by direction of said board in the name of and for the use of said district, or on complaint or indictment to the use of the Commonwealth: *provided*, that no such action, complaint or indictment shall be maintained unless brought within thirty days after the right of action accrues or the offence is committed. No inhabitant of the district shall be disqualified, by reason of his being such inhabitant, to act as judge, magistrate, juror or officer, in a suit brought for such penalty.

Penalties may be recovered by an action of tort.

SECTION 18. The provisions of all general laws of the Commonwealth, applicable to fire districts and not inconsistent with this act, shall apply to the fire district of the town of Hinsdale organized as herein provided. Nothing herein contained shall be construed to interfere with the authority of surveyors of highways or any authority of the town or its agents which can be legally exercised over highways or roads. But the town of Hinsdale shall repair any injury done to sidewalks in said district by the offi-

Provisions of general laws to apply.

cers of said town by reason of any raising, lowering or other act done for the purpose of repairing a highway or townway ; and whenever any crosswalks shall be torn up or injured by the officers of the town of Hinsdale in making, repairing, altering, raising or lowering any highway or townway, said town shall relay and repair such crosswalk in like order and condition as the same was in before it was torn up or injured. The authority of the town of Hinsdale to construct sidewalks, main drains and common sewers within the limits of said district shall be suspended while this act is in force ; but this act shall in no wise affect the liability of the town for any damages caused within the limits of its highways.

Authority of Hinsdale to construct sidewalks, etc., suspended.

Damages and costs.

SECTION 19. When a party upon a trial of an action recovers damages of said town for an injury caused to his person or property by a defect in any sidewalk in said fire district, if the fire district has had reasonable notice to defend the action, the said town may recover of the fire district in addition to the damages all costs of both plaintiff and defendant in the action.

SECTION 20. This act shall take effect upon its passage.
Approved April 11, 1889.

Chap. 244 AN ACT CONCERNING A WATER SUPPLY FOR THE FIRE DISTRICT AND INHABITANTS OF THE TOWN OF HINSDALE.

Be it enacted, etc., as follows:

Water supply for a fire district in the town of Hinsdale.

SECTION 1. Upon the establishment and organization of a fire district in the town of Hinsdale under the provisions of an act entitled, An Act permitting the establishment of a fire district in the town of Hinsdale, enacted in the year eighteen hundred and eighty-nine, said fire district may supply itself and the inhabitants of the town of Hinsdale with water for the extinguishment of fires and for domestic and other purposes ; may establish fountains and hydrants, relocate 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.

May take waters of Steam Saw-mill brook.

SECTION 2. The said fire district may for the purposes aforesaid take by purchase or otherwise, and hold the waters from the Steam Saw-mill brook, so called, in said town of Hinsdale and all other brooks and streams near the same as the said fire district may determine, and the waters which flow into and from the same, together with

any and all 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 Hinsdale; 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 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 fire district may dig up any 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 erect dams and other structures.

May dig up lands under direction of the selectmen.

SECTION 3. The said fire district 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 registry districts 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 in the registry of deeds a description of land, etc., taken.

SECTION 4. Said fire district shall be liable to pay all damages to property sustained by any person or corporation by the taking of any lands, water or water rights by said fire district, or by the laying or maintaining of any aqueducts or other works for the purposes aforesaid. Any person or corporation sustaining damages as aforesaid, and unable to agree with the said district upon the amount of such damages, may have them assessed in the manner provided by law with respect to land taken for highways. Any person or corporation whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter.

Liability for damages.

Hinsdale Fire District Water Loan not to exceed \$40,000.

SECTION 5. The said fire district 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 forty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Hinsdale Fire 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 the fire district, be countersigned by the chairman of the prudential committee of said fire district and by the chairman of the water commissioners. The said fire district may sell such securities at public or private sale at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Sinking fund to be established.

SECTION 6. The said fire district shall establish a sinking fund and shall annually, after five years from the acceptance of this act by said fire district, contribute to such fund a sum sufficient with the accumulations 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: *provided*, that the said town or fire district may, instead of establishing said sinking fund, pay the principal of said loan by annual instalments not exceeding the sum of two thousand dollars in one year. The said fire district shall assess and collect upon the estates, real and personal, in said fire district 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 notes, scrip or certificates of debt issued as aforesaid by said fire district, and to make such contributions to the sinking fund or payments on the principal as may be required under this act.

Town of Hinsdale may guarantee payment of notes, etc.

SECTION 7. The town of Hinsdale may, upon a two-thirds vote of the legal voters present and voting thereon at a legal meeting called for the purpose, guarantee the payment of said notes, scrip or certificates, provided such meeting is held within one year from the acceptance of this act by said fire district.

Penalty for wilfully polluting or diverting water.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this

act, or destroys or injures any dam, conduit, hydrant, machinery or other works or property held, owned or used by said district under authority of and for the purposes of this act, shall forfeit and pay to the said district three times the amount of damage assessed therefor, to be recovered in an action of tort; and on conviction of any of the acts aforesaid may be punished by a fine not less than twenty nor more than three hundred dollars or by imprisonment in jail not exceeding one year or by an infliction of both the above penalties.

SECTION 9. At the meeting of said fire district called for the acceptance of this act, or at any legal meeting called for this purpose, three persons shall be elected by ballot to contract for and superintend the construction and completion of the water works, who shall exercise all rights, powers and privileges for that purpose herein granted, subject however to instructions and directions of the fire district, and who shall constitute a board of water commissioners; one of said three persons shall be elected for the term of three years from the time of the annual meeting of said fire district at which he is chosen, one for a term of two years, and one for a term of one year, after which first election one member of said board, as the term of each incumbent expires, shall be elected at the annual district meeting to serve for the term of three years. The said commissioners shall be trustees of the sinking fund herein provided for. Said board of commissioners shall have charge of the water works and may fix the price of rent for the use of water, and may exercise all the rights, powers and authority granted to said district by this act relative to such duties, subject however to such instructions, rules and regulations as said district may impose by its vote, and a majority of said board of commissioners shall constitute a quorum for the transaction of business relative to the water works and the sinking fund. Any vacancy occurring in said board of commissioners from any cause may be filled by said district at any legal district meeting for the unexpired term.

Commissioners to be elected to contract for and superintend construction of water works.

To be trustees of the sinking fund.

Vacancies.

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 first be accepted by a vote of two-thirds of the legal voters of said fire district

Subject to acceptance within three years by a two-thirds vote.

present and voting thereon at a legal meeting called for that purpose within three years from the establishment and organization of said fire district in said town, the number of said meetings called for that purpose in any one year not to exceed two. *Approved April 12, 1889.*

Chap. 245 AN ACT TO ESTABLISH THE COMMISSIONERS OF PUBLIC INSTITUTIONS AND TO PLACE IN THEIR CHARGE THE PUBLIC INSTITUTIONS OF THE CITY OF BOSTON AND COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Commissioners of public institutions of the city of Boston and of the county of Suffolk to be appointed.

SECTION 1. The mayor of the city of Boston shall appoint, subject to confirmation by the board of aldermen, three able and discreet men, inhabitants of said city, who shall constitute a board of said city to be known as the commissioners of public institutions, and who shall hold office, one for the term of three years, one for the term of two years, and one for the term of one year, beginning with the first Monday in April in the year eighteen hundred and eighty-nine; and annually thereafter the mayor shall appoint, subject to confirmation as aforesaid, one such commissioner to hold office for the term of three years, beginning with the first Monday in April in the year of his appointment. Any vacancy occurring shall be filled by the appointment, as aforesaid, of a commissioner for the remainder of the unexpired term. The members of said board shall each receive a salary of three thousand dollars per year or such larger salary as the said city may by ordinance provide. The provisions of chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five shall apply to said board and to the members thereof.

Vacancies.

Salaries.

To have charge of all public institutions of the city and county.

SECTION 2. The said board of commissioners of public institutions shall have the charge and control of all the public institutions of the city of Boston and of the county of Suffolk which are now under the charge and control of the board of directors for public institutions, and they shall have and enjoy all the powers and authority and be subject to all the duties and limitations now held by or imposed upon said last named board.

When to take effect.

SECTION 3. This act, so far as relates to the appointment of said commissioners, shall take effect upon its passage, and for all other purposes shall take effect on the first Monday in May in the year eighteen hundred and eighty-nine. *Approved April 12, 1889.*

AN ACT TO PROVIDE FOR THE PASSAGE OF VESSELS THROUGH THE
 DRAWS OF CERTAIN BRIDGES OVER CHARLES RIVER. *Chap. 246*

Be it enacted, etc., as follows:

SECTION 1. The railroad companies entering the city of Boston on the northerly side thereof, across Charles river, and owning or controlling bridges over said river, shall open and keep open the draws of said bridges so often and so long as may be necessary to allow the safe and convenient passage of any vessel through all said draws within twenty-four hours from the time of said vessel reporting as hereinafter provided; and no vessel shall be detained at any one of said draws longer than six hours without said draw being so opened as to give her an opportunity to pass through.

Passage of vessels through draws in bridges over Charles River.

Vessel not to be detained more than six hours.

SECTION 2. Any person having charge of a vessel and intending to pass the same through said draws, upon its arrival at the first of said draws up or down said river, may report such arrival to the draw-tender thereon or to such other suitable person in charge of said draw as may be appointed by said companies, who shall make a record of such report. The time herein provided for the passage of said vessel through all said draws shall begin to run from the time of so reporting.

Arrival of vessel may be reported to draw-tender.

SECTION 3. Any vessel detained in her passage through said draws, or any of them, for a longer time than herein stated, by failure of said companies or either of them to open said draw or draws as herein provided, shall be entitled to damages for such detention, to be recovered in an action at law against said companies jointly, or either of them. The measure of damages shall be at the rate of eight cents per ton of the registered tonnage of said vessel for every day or fraction of a day of such detention: *provided, however*, that no more than three vessels that have not arrived and reported shall recover damages for any one default, under this act, of said companies or of either of them.

Recovery of damages for detention.

SECTION 4. Between the hours of twelve o'clock midnight and six o'clock in the morning all of said draws shall be kept open for two and the same consecutive hours, said hours to be designated by said companies: *provided, however*, that during said two hours any of said draws may be closed for the passage of any special train and for ten minutes before and ten minutes after the

Draws to be kept open for two consecutive hours between midnight and six o'clock A.M.

Proviso.

passage of such train; and, *provided, further*, that said draws need not be so kept open when there is no vessel intending to pass through.

Railroads to
make mutual
arrangement.

SECTION 5. It shall be the duty of the railroad companies owning or controlling said draws to make such mutual arrangement as may be necessary to carry out the provisions of this act.

Repeal.

SECTION 6. This act shall take effect upon its passage, and any acts heretofore passed inconsistent herewith are hereby repealed.

Approved April 12, 1889.

Chap.247 AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO DISCONTINUE CERTAIN COMMON LANDING-PLACES IN SAID CITY, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows:

May discon-
tinue certain
public landings.

SECTION 1. License is given to the city of Newburyport to discontinue all the common landing-places, known as town and public landings, situated between the Newburyport bridge over Merrimac river and Central wharf in said city; and to fill up, use and improve the flats where said landing-places now are. Said filling shall not extend beyond the harbor line as established by chapter three hundred and sixteen of the acts of the year eighteen hundred and seventy-three and shall be subject to the provisions of chapter nineteen of the Public Statutes.

Public park.

SECTION 2. The public landing-place situated opposite the foot of Green street between Brown's wharf and Mercantile wharf, and included in section one, shall be used and improved only as a public park.

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

Approved April 12, 1889.

Chap.248 AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION AND COMPLETION OF THE BOSTON, WINTHROP AND SHORE RAILROAD.

Be it enacted, etc., as follows:

Time for
construction
extended.

SECTION 1. The time within which said Boston, Winthrop and Shore Railroad Company shall construct and complete its road to Point Shirley by its present location or by a new location on the west side of Great Head is hereby extended for three months from the first day of June in the year eighteen hundred and eighty-nine: *provided, nevertheless*, that if the said road is not completed within the time hereinbefore fixed, the said railroad com-

Proviso.

pany shall forfeit its franchise between its circuit line, so called, and Point Shirley.

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

Approved April 12, 1889.

AN ACT CONCERNING HABITUAL TRUANTS.

Chap. 249

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter forty-eight of the Public Statutes is hereby amended by inserting after the word "ignorance", in the fifth line of said section, the words:—and such children as persistently violate the reasonable rules and regulations of the common schools,—so as to read as follows:—*Section 10.* Each town shall make all needful provisions and arrangements concerning habitual truants and children between seven and fifteen years of age who may be found wandering about in the streets or public places therein, having no lawful occupation or business, not attending school, and growing up in ignorance, and such children as persistently violate the reasonable rules and regulations of the common schools; and shall make such by-laws as shall be most conducive to the welfare of such children, and to the good order of such town; and shall provide suitable places for the confinement, discipline, and instruction of such children.

Towns to make needful arrangements concerning habitual truants, etc.
P. S. 48, § 10.

SECTION 2. Section twelve of chapter forty-eight of the Public Statutes is hereby amended by inserting after the word "ignorance", in the fourth line of said section, the words:—or of persistently violating the rules and regulations of the common schools,—so as to read as follows:—*Section 12.* Any minor convicted under a by-law made under section ten of being an habitual truant, or of wandering about in the streets and public places of a city or town, having no lawful employment or business, not attending school, and growing up in ignorance, or of persistently violating the rules and regulations of the common schools, shall be committed to any institution of instruction or suitable situation provided for the purpose, under the authority of said section or by-law, for a term not exceeding two years.

Minor to be committed to any institution of instruction, etc.
P. S. 48, § 12.

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

Approved April 12, 1889.

Chap.250 AN ACT TO ESTABLISH THE SALARY OF THE DISTRICT ATTORNEY OF THE MIDDLE DISTRICT.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The salary of the district attorney of the middle district shall be twenty-four hundred dollars per annum, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

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

Approved April 12, 1889.

Chap.251 AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Salary of judge.

SECTION 1. The salary of the judge of probate and insolvency for the county of Middlesex shall be four thousand dollars per annum, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

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

Approved April 12, 1889.

Chap.252 AN ACT TO INCORPORATE THE ASHFIELD BURIAL GROUND ASSOCIATION AND TO AUTHORIZE THE TOWN OF ASHFIELD TO CONVEY CERTAIN EXISTING BURYING GROUNDS TO SUCH ASSOCIATION.

Be it enacted, etc., as follows:

Ashfield Burial
Ground Asso-
ciation, incor-
porated.

SECTION 1. Chauncey Boice, Charles Eliot Norton, Lewis Porter, Archibald D. Flower, Albert W. Crafts, Chester A. Bronson, George B. Carter, Charles H. Wilcox, George P. Huntington, Jacob S. Gardner, George W. Cook, John C. Wilde, Frederick G. Howes, Clark B. Sears, Thomas Kelley, Cheney L. Kelley, George William Curtis, Alvan Hall, Murray J. Guilford, James A. Wilde, Charles Howes, Charles Lilly, Henry Parsons, Anne Ashburner, Samuel Ranney, John L. Guilford, Benjamin M. Dyer, Ralph Stetson, Amos D. Daniels, George B. Church, John Yeomans, Charles H. Church, Henry S. Ranney, Daniel Williams, Emory D. Church, Ebenezer Graves, Dana L. Graves, John Wing, Lavant F. Gray, William H. Gray, Cyrus N. Howes, their associates and successors, are hereby made a corporation by the name of the Ashfield Burying Ground Association, for the purpose of purchasing, hold-

ing, caring for and improving lands to be used as a cemetery or cemeteries in the town of Ashfield, and for the purpose of acquiring the title to, holding, caring for and improving any existing cemetery or cemeteries in said town; 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 corporations organized under chapter eighty-two of the Public Statutes or of any act in addition or amendment thereto.

SECTION 2. Henry S. Ranney is hereby authorized to fix the time and place of holding the first meeting of said corporators and to notify them thereof, as nearly as may be, in accordance with the provisions of section three of chapter one hundred and eleven of the Public Statutes.

First meeting of corporators.

SECTION 3. Whenever said corporation has been duly organized under the provisions of this act the town of Ashfield is hereby authorized to convey to said corporation by proper deed or deeds two cemeteries, situate, one on the Plain, so called, in said Ashfield and known as the Plain Cemetery, and one on the Flat, so called, in said Ashfield near the geographical centre of the town and known as the Centre Cemetery: *provided*, that the said town at any legal meeting votes to make such conveyance.

Town of Ashfield may convey to corporation certain cemeteries.

SECTION 4. All persons owning lots or rights of burial in either of the cemeteries mentioned in section three shall, upon the conveyance to said corporation of said cemeteries, be and become members of said corporation; and all persons owning lots or rights of burial in any existing cemetery in said town shall, whenever such cemetery shall be acquired by said corporation, be and become a member of said corporation.

Persons owning lots, etc., to be members of corporation.

SECTION 5. Except as provided in section four said corporation may, subject to the general laws applicable to such corporations, prescribe by by-law qualifications and conditions for becoming a member thereof.

Conditions of membership.

SECTION 6. Said corporation may hold real and personal estate for the purposes expressed in section one to the value of ten thousand dollars.

Real and personal estate.

SECTION 7. This act shall take effect upon its passage.

Approved April 12, 1889.

Chap. 253

AN ACT RELATING TO THE PAYMENT OF COUNTY TAXES.

*Be it enacted, etc., as follows:*Payment of
county taxes.

The respective sums apportioned to, and assessed upon, the several cities and towns of the Commonwealth for county taxes, shall be collected and paid into their respective city and town treasuries, in like manner as the state tax is now collected and paid; and the county commissioners in their warrants shall require the selectmen or assessors of such cities and towns to pay, or issue severally their warrant or warrants requiring the treasurers of their respective cities and towns to pay, to the treasurers of their several counties the sums apportioned to said cities and towns, as aforesaid, at such times as shall be fixed and prescribed by said county commissioners of the several counties in their said warrants.

*Approved April 12, 1889.**Chap. 254*

AN ACT TO AUTHORIZE THE STREET COMMISSIONERS OF THE CITY OF BOSTON TO EXTEND WEST CHESTER PARK STREET AS A HIGHWAY TO THE HARVARD BRIDGE AND TO ESTABLISH THE GRADE THEREOF.

*Be it enacted, etc., as follows:*Street commis-
sioners of Bos-
ton may extend
West Chester
park street.

SECTION 1. The street commissioners of the city of Boston may locate and lay out, and may establish the grade of, and may construct a highway in said city which shall be a continuation or extension of West Chester park street to the harbor commissioners' line, and to connect with the new bridge called the Harvard bridge, between Boston and Cambridge, and may make contracts on behalf of said city relative to the determination and payment of damages sustained by any person in his property by such laying out and establishing a grade; and any such contracts heretofore made by said board are confirmed and made binding on said city, and such damages shall be paid by said city.

Damages.

SECTION 2. All laws applicable to the laying out and establishing the grade of highways in the city of Boston and determining and paying damages for injuries sustained thereby are hereby made applicable to the work authorized in this act, so far as not inconsistent herewith.

Loan authorized
in excess of
limit estab-
lished.

SECTION 3. The city of Boston, in order to defray the cost of carrying out the provisions of this act, is author-

ized to raise not exceeding seventy-five thousand dollars by loan, in excess of the limit established by law.

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

Approved April 12, 1889.

AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF THE BOSTON WATER TRUST AND INVESTMENT COMPANY. *Chap.255*

Be it enacted, etc., as follows :

SECTION 1. The time for organization by the incorporators of the Boston Water Trust and Investment Company is hereby extended until the twenty-first day of April in the year eighteen hundred and ninety.

Time for organization extended.

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

Approved April 12, 1889.

AN ACT TO AMEND SECTION FORTY-FOUR OF CHAPTER THREE HUNDRED AND FORTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-EIGHT RELATING TO THE MUNICIPAL INDEBTEDNESS OF THE CITY OF QUINCY. *Chap.256*

Be it enacted, etc., as follows :

SECTION 1. Section forty-four of chapter three hundred and forty-seven of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out the following words, "The limit of indebtedness of the said city, exclusive of any indebtedness created for supplying the inhabitants with water, shall be one per cent. of the average valuation of said city, as ascertained in accordance with chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five, but otherwise", so as to read as follows:— *Section 44.* The general laws relating to municipal indebtedness shall apply to said city. The financial year of the city shall begin at such time as the city council shall by ordinance prescribe.

Municipal indebtedness of the city of Quincy.

Financial year.

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

Approved April 15, 1889.

AN ACT TO ANNEX A PORTION OF THE TOWNS OF RANDOLPH AND HOLBROOK TO THE TOWN OF AVON. *Chap.257*

Be it enacted, etc., as follows :

SECTION 1. So much of the towns of Randolph and Holbrook, in the county of Norfolk, with all the inhabitants and estates thereon as is thus bounded and described, to wit:— Beginning at a stone bound on the westerly

Portion of towns of Randolph and Holbrook annexed to town of Avon.

Boundaries of
territory
annexed.

side of Main street in the boundary line between said towns of Randolph and Avon (formerly Stoughton) marked R on one side and S on the opposite side, and thence running in a straight line over territorial land of said Randolph and of said Holbrook to a point in said Holbrook midway between the two main tracks of the Old Colony railroad as now existing and distant north sixteen degrees, fifteen minutes east, six hundred ninety-four and eight-tenths feet from the southerly side line of High street in said Holbrook; thence running south sixteen degrees, fifteen minutes west, midway between said tracks, one thousand five hundred sixteen and four-tenths feet to a point of curvature in said Holbrook and intersecting said southerly line of High street at a point distant south fifty-six degrees, thirteen minutes east, one hundred sixty-seven and seventy-two one-hundredths feet from a stone bound set in said southerly line of High street; thence running by a curve to the left of five thousand seven hundred and thirty feet radius, one thousand three hundred twenty-three and forty-five one-hundredths feet to a point of tangency in said Holbrook; thence running midway between said tracks south three degrees, one minute west, five hundred thirty-five and forty-five one-hundredths feet to the boundary line between said towns of Holbrook and Avon; thence running northwesterly by said boundary line between the towns of Randolph, Holbrook and Avon to the point of beginning, containing an area of about fourteen acres of the territory of said town of Randolph and about one hundred and thirty acres of the territory of said town of Holbrook, is hereby set off and separated from said towns of Randolph and Holbrook and annexed to and made a part of said town of Avon.

Payment of
taxes.

SECTION 2. The inhabitants and the estates on said tract of land set off as aforesaid and the owners of said estates shall be liable to pay all such taxes as are already assessed on them by said towns of Randolph and Holbrook, and all such taxes as may be assessed on them by said towns of Randolph and Holbrook before this act shall take effect, in the same manner as they would have been liable if this act had not been passed. And until the next state valuation the town of Avon shall annually, in the month of November, pay to the towns of Randolph and Holbrook, respectively, that proportionate part of the state and county tax severally assessed upon said towns

of Randolph and Holbrook which the valuation of the several parts set off as aforesaid bears to the respective total valuations of said towns of Randolph and Holbrook, according to the valuations made by the assessors of the respective towns of Randolph and Holbrook in the year eighteen hundred and eighty-eight.

SECTION 3. If any person or persons who have heretofore gained a legal settlement in the towns of Randolph or Holbrook by reason of residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall come to want and stand in need of relief, aid and support, as paupers, they shall be relieved and supported by the town of Avon, in the same manner as if they had gained a legal settlement in said Avon.

Support of
paupers.

SECTION 4. For the purpose of electing senators and representatives to the general court, until the next apportionment shall be made, the inhabitants upon the territory hereby set off and annexed to the town of Avon shall continue to be a part of that town from which the territory has been taken for said annexation, and it shall be the duty of the selectmen of the town of Avon to post up in the respective territories taken from said towns as aforesaid a true list of the persons, if any, respectively belonging thereto and qualified to vote at such elections, and to correct the same, as required by law, and deliver the same respectively to the selectmen of the towns of Randolph and Holbrook at least seven days before any such election, and the same shall be taken and used for such election by the selectmen of said towns in the same manner as if the lists had been prepared by themselves respectively.

Election of
senators and
representatives.

SECTION 5. On the boundary line within the location of the Old Colony railroad as hereby established, stone monuments not less than four feet in length, and marked in the manner now required by law, shall be well set in the ground at the termini and points of curvature and tangency of said boundary line, so that the surface of the top thereof shall not be higher than the lower surface of the rails of said main tracks at the place of setting, and no other monuments shall be required on said boundary.

Monuments
marking bound-
ary line.

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

Approved April 16, 1889.

Chap. 258 AN ACT TO AUTHORIZE MANUFACTURING CORPORATIONS TO SUPPORT FREE BEDS IN HOSPITALS FOR THE USE OF THEIR EMPLOYEES.

Be it enacted, etc., as follows:

May support free beds in hospitals for use of employees.

Any manufacturing corporation may, by a vote of a majority of the stock represented at a meeting of the stockholders thereof, appropriate a sum not exceeding five thousand dollars or an annual sum not exceeding five hundred dollars for the support of free beds in one or more hospitals in this Commonwealth, for the use of its employees.

Approved April 16, 1889.

Chap. 259 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO ENLARGE AND IMPROVE THE ACCOMMODATIONS FOR THE COURTS AND COUNTY OFFICERS IN TAUNTON.

Be it enacted, etc., as follows:

Accommodations for courts to be enlarged and improved.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and required to take and hold, by purchase or otherwise, such land as they deem necessary in the city of Taunton adjoining to or in the immediate vicinity of the lands upon which the court house now standing in said Taunton is located, for the purpose of enlarging and altering said court house, and the buildings adjoining thereto and the court house yard connected therewith, or of erecting new buildings thereon adapted to the accommodations of the courts of the Commonwealth and county offices and purposes.

Commissioners may borrow money.

SECTION 2. Said commissioners, for said purposes, may borrow on the credit of said county and may expend therefor a sum not exceeding one hundred thousand dollars.

To file in registry of deeds a description of the land taken.

SECTION 3. Said commissioners shall, within thirty days from the time when they shall take land under the provisions of this act, file in the registry of deeds of said county of Bristol 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 of land so taken shall vest in the county of Bristol from the time of such filing.

Payment for damages.

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 upon the conditions provided by law in the case of laying out highways, upon application therefor made within one year from the time of such filing.

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

Approved April 17, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF THE
COUNTY OF PLYMOUTH.

Chap.260

Be it enacted, etc., as follows:

SECTION 1. The salary of the treasurer of the county of Plymouth shall be twelve hundred dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

Salary of treasurer.

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

Approved April 17, 1889.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICE AND CLERK
OF THE FIRST DISTRICT COURT OF BRISTOL.

Chap.261

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the first district court of Bristol shall be eighteen hundred dollars a year, and the salary of the clerk of said court shall be eleven hundred dollars a year, both to be so allowed from the first day of April in the year eighteen hundred and eighty-nine.

Salaries of justice and clerk.

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

Approved April 17, 1889.

AN ACT TO PROVIDE FOR ARRANGING AND INDEXING THE PROBATE
RECORDS OF THE COUNTY OF HAMPSHIRE.

Chap.262

Be it enacted, etc., as follows:

SECTION 1. The register of probate for the county of Hampshire shall be allowed a sum not exceeding fifty dollars a month for a period not exceeding three years, in addition to all other allowances now authorized by law, for extra clerical assistance actually performed in arranging and indexing the files and records in his office; to be paid from the treasury of the Commonwealth monthly, till the said work shall be completed. The judge of

Allowance for arranging and indexing records, etc.

probate for said county shall audit and approve the accounts of the register.

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

Approved April 17, 1889.

Chap.263 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE DISTRICT COURT OF EAST NORFOLK.

Be it enacted, etc., as follows:

Salary of justice.

SECTION 1. The salary of the justice of the district court of east Norfolk shall be fifteen hundred dollars a year, beginning with the first day of January in the year eighteen hundred and eighty-nine.

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

Approved April 17, 1889.

Chap.264 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO COMPLETE THE COURT HOUSE IN FALL RIVER.

Be it enacted, etc., as follows:

May borrow money for completing court house.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized to borrow on the credit of said county and to expend an additional sum of fifty thousand dollars, in addition to what they are now authorized by law to borrow and use, for the purpose of erecting, completing and furnishing a court house in the city of Fall River.

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

Approved April 17, 1889.

Chap.265 AN ACT TO PROVIDE FOR THE TRANSFER AND MANAGEMENT OF MOUNT HOPE CEMETERY IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Proprietors of Mount Hope Cemetery may become incorporated.

SECTION 1. Such of the proprietors, by deed, of burial lots in the cemetery known as Mount Hope cemetery in the city of Boston, comprising the lands acquired by said city under authority of chapter one hundred and fifty of the acts of the year eighteen hundred and forty-nine with any other lands since acquired by said city as an addition to said cemetery, except the proprietors of burial lots in that portion of the westerly end of said cemetery lying north of Central avenue and west of a line drawn from a point in the division line between said cemetery and Calvary cemetery, distant one hundred feet

westwardly from the northeast corner of said Calvary cemetery, to the northeasterly corner of the two acre parcel on Berry street, purchased in the year eighteen hundred and seventy-eight, as shall in writing, filed with the city registrar of said city on or before the first Monday of May next, accept this act, and such of said proprietors as shall, after the organization herein provided for, notify the clerk of the corporation of such acceptance, are hereby made a corporation by the name of the Proprietors of Mount Hope Cemetery, subject to all the provisions of chapter eighty-two of the Public Statutes so far as they can be applied thereto, except so far as inconsistent herewith.

SECTION 2. Immediately upon the passage of this act the city registrar of said city shall notify each of the proprietors of such passage by sending through the mail to the address of each of said proprietors, so far as known, a copy of this act, and also notify them that the first meeting of said corporation will be held on said first Monday of May at ten o'clock in the forenoon, at such suitable place as he shall select therefor, at the expense of the corporation.

Proprietors to be notified by the city registrar.

SECTION 3. Such of said proprietors as shall have notified said registrar previous to said ten o'clock as hereinbefore provided, present and voting, may at said meeting organize said corporation in the manner provided in the first sixteen sections of chapter one hundred and eleven of the Public Statutes.

Organization of corporation.

SECTION 4. Immediately upon the organization of said corporation said city of Boston shall convey to it by proper deed all the lands constituting said cemetery together with the stock, tools, implements and other personal property pertaining thereto or commonly used thereon, and with the right to any unpaid balances remaining due for lots already sold, to be held by said corporation, so far as consistent herewith, for the same uses and purposes and charged with the same duties, trusts and liabilities for and subject to which the same are now held by said city; and the said corporation shall thenceforth have the entire charge of said cemetery and of the care of lots and graves therein; and to that end shall receive from said city the annual income, as it accrues, of the funds now held by said city under the provisions of section seventeen of chapter eighty-two of the Public Statutes,

City of Boston to convey lands, etc., to the corporation.

and apply said income to the preservation and care of the lots entitled to such application; and the said corporation shall have in respect of said cemetery all rights, powers and privileges and be subject to all duties, obligations and liabilities now had or sustained by said city in respect thereof, and shall fully indemnify and hold harmless the said city in regard to the same.

City to have certain rights of burial.

SECTION 5. The said city shall continue to have the right of burial of persons, for whose burial it is now or shall hereafter be bound by law to provide, in that portion of the westerly end of said cemetery bounded and described in section one, and interments of such persons may either be there made by said city at its own expense or by said corporation, upon such terms for the cost of preparation and interment as may from time to time be agreed upon between the overseers of the poor of said city and the executive board of said corporation.

Conveyances confirmed.

SECTION 6. All conveyances of lots and rights of burial in said cemetery heretofore given by said city are hereby confirmed.

SECTION 7. This act shall take effect upon its passage.

Approved April 18, 1889.

Chap.266 AN ACT TO AUTHORIZE EXECUTORS AND ADMINISTRATORS WITH THE WILL ANNEXED TO SETTLE CONTROVERSIES BY ARBITRATION OR COMPROMISE.

Be it enacted, etc., as follows:

Executors and administrators with the will annexed may settle controversies by arbitration or compromise.

SECTION 1. Section fourteen of chapter one hundred and forty-two of the Public Statutes is hereby amended by inserting after the word "deceased" in the third line thereof, the words:—or the administrators with such will annexed,—and by inserting after the word "executors" in the eighth line thereof, the words:—or the administrators with the will annexed as the case may be,—and by inserting after the word "legates" in the ninth line thereof, the words:—whose interests will, in the opinion of the court, be affected by the proposed arbitration or compromise,—so that said amended section shall read as follows:—*Section 14.* The supreme judicial court, sitting in equity, may authorize the persons named as executors in an instrument purporting to be the last will of a person deceased, or the administrators with such will annexed, to adjust by arbitration or compromise any controversy that may arise between the

persons claiming as devisees or legatees under such will and the persons entitled to the estate of the deceased under the statutes regulating the descent and distribution of intestate estates; to which arbitration or compromise the persons named as executors, or the administrators with the will annexed as the case may be, those claiming as devisees or legatees whose interests will in the opinion of the court be affected by the proposed arbitration or compromise, and those claiming the estate as intestate, shall be parties.

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

Approved April 18, 1889.

AN ACT TO PREVENT THE MUTILATION OF HORSES.

Chap. 267

Be it enacted, etc., as follows:

Whoever cuts the solid part of the tail of any horse in the operation known as docking, or by any other operation performed for the purpose of shortening the tail, and whoever shall cause the same to be done, or assist in doing such cutting unless the same is proved to be a benefit to the horse, shall be punished by imprisonment in the jail not exceeding one year, or by fine of not less than one hundred nor more than two hundred and fifty dollars. One-half of all fines collected under this act upon, or resulting from, the complaint or information of an officer or agent of the Massachusetts Society for the Prevention of Cruelty to Animals, shall be paid over to said society in aid of the benevolent objects for which it was incorporated.

Docking of horses' tails prohibited under penalty.

Approved April 18, 1889.

AN ACT TO AMEND AN ACT TO FIX THE PENALTIES FOR VIOLATIONS OF THE LIQUOR LAW.

Chap. 268

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and fourteen of the acts of the year eighteen hundred and eighty-nine is hereby amended by adding thereto the following new section, viz.: — *Section 2.* This act shall not apply to any cases pending in any court or to any cases where the penalty has been incurred or to any offences committed prior to the time when said act becomes operative.

Provisions of 1889, 114, not to apply to cases pending in court or where penalty has been incurred, etc.

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

Approved April 18, 1889.

Chap.269 AN ACT IN ADDITION TO AN ACT FIXING THE TIMES AND PLACES FOR HOLDING PROBATE COURTS IN THE COUNTY OF PLYMOUTH.

Be it enacted, etc., as follows:

Times and places for holding courts.

SECTION 1. After the first day of May in the year eighteen hundred and eighty-nine, probate courts shall be held in each year in the county of Plymouth, at Plymouth on the second Monday of every month except August, and at Brockton on the fourth Monday of every month except July.

Repeal.

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 18, 1889.

Chap.270 AN ACT RELATING TO THE GRANTING OF LICENSES TO DRUGGISTS AND APOTHECARIES TO SELL INTOXICATING LIQUOR.

Be it enacted, etc., as follows:

License of sixth class not to be granted except to a registered pharmacist, etc.

SECTION 1. No license of the sixth class described in section ten of chapter one hundred of the Public Statutes shall hereafter be granted to any person who is not a registered pharmacist actively engaged in business on his own account. Any license granted in violation of this act shall be void.

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

Approved April 18, 1889.

Chap.271 AN ACT TO AUTHORIZE THE TOWN OF GRAFTON TO ISSUE BONDS TO FUND ITS EXISTING INDEBTEDNESS.

Be it enacted, etc., as follows:

May issue bonds.

SECTION 1. The town of Grafton is hereby authorized to issue its bonds in sums of five hundred dollars each to an amount not exceeding seventy-five thousand dollars for the purpose of funding its existing indebtedness including outstanding town-house and other bonds.

Coupon bonds at four per cent. interest.

SECTION 2. Said bonds shall be of the form known as coupon bonds, shall bear interest at the rate of four per cent. per annum, and shall be so issued that three of the said bonds shall mature and become payable in each year until all shall have matured and become payable.

May raise money to pay interest.

SECTION 3. The town of Grafton shall annually raise by taxation an amount sufficient to pay the interest on such of said bonds as may at the time be outstanding;

and until said bonds have all matured, shall also annually raise by taxation the sum of fifteen hundred dollars for the payment of the bonds maturing and becoming payable during the then current year.

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

Approved April 18, 1889.

AN ACT TO AMEND AN ACT RELATING TO THE PUBLIC CEMETERIES *Chap.272*
IN THE TOWN OF WINCHESTER.

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter one hundred and forty-six of the acts of the year eighteen hundred and eighty-nine is hereby amended by inserting after the words "on the orders of" in the last sentence of said section, the words: — the selectmen and, — so as to read as follows: — *Section 4.* The proceeds of sales of lots or rights of burial in said cemetery or public burial grounds, and any appropriations, grants, donations, gifts or bequests made thereto, and any and all sums of money due to and payable for account of said cemetery or public burial grounds, shall be paid into the town treasury of said Winchester, and the said money and the accounts thereof shall be kept separate from the other moneys and accounts of said town. The treasurer of said town shall hold said funds subject to the order of the selectmen and said board of commissioners, and shall invest the same or any part thereof, or pay out the same or any income therefrom, on the orders of the selectmen and said board of commissioners, or with their approval.

Public ceme-
teries in the
town of Win-
chester.

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

Approved April 18, 1889.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL MEETING *Chap.273*
OF THE TOWN OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the annual meeting of the town of Revere, held on the fourth day of March in the year eighteen hundred and eighty-nine, shall not be invalid by reason of an omission or failure, in the warrant for said meeting, of the selectmen to specify that the several town officers should be voted for on one ballot in accordance with the by-laws of said town.

Proceedings at
annual meeting
confirmed.

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

Approved April 19, 1889.

Chap.274 AN ACT TO AUTHORIZE THE TOWN OF LINCOLN TO TAKE LAND FOR SCHOOL PURPOSES IN ADDITION TO THE AMOUNT NOW ALLOWED BY LAW.

Be it enacted, etc., as follows:

May take land for school purposes.

SECTION 1. The town of Lincoln is hereby authorized to take, hold and use for school purposes, according to the provisions of chapter forty-four of the Public Statutes, one acre of land in addition to the amount which is now allowed by law.

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

Approved April 19, 1889.

Chap.275 AN ACT CONCERNING THE FEES FOR PILOTAGE OF VESSELS IN AND OUT OF WOOD'S HOLL HARBOR.

Be it enacted, etc., as follows:

Pilotage of vessels in and out of Wood's Holl harbor.

SECTION 1. The rates for pilotage for vessels in and out of Wood's Holl harbor shall be as follows, — whenever a pilot shall take charge of a vessel, bound into said port from sea, east of a line drawn from Saugkonnet Point to No Man's Land, the fees shall be two dollars and twenty-five cents a foot of the vessel's draught. If said vessel takes a pilot east of a line drawn due south from Tarpaulin Cove light-house, the fees for pilotage shall be one dollar and twenty-five cents a foot of the vessel's draught. For all pilotage done between the first day of November and the thirtieth day of April twenty-five cents a foot additional shall be charged as winter rates. The outward pilotage from Wood's Holl for vessels bound west shall be one dollar and twenty-five cents a foot of the vessel's draught, to a line drawn due north from Gay Head light-house. When the pilot is taken east of a line drawn due north from Great Point light-house, the fee shall be two dollars and twenty-five cents a foot of the vessel's draught. When the pilot takes charge of a vessel west of a line drawn due north from Nantucket Great Point light-house, bound into Wood's Holl, the fee shall be one dollar and twenty-five cents a foot of the vessel's draught. All outward bound vessels from Wood's Holl, when bound east over Nantucket shoals, when taken past and over said shoals shall be subject to the full fees of two dollars and twenty-five cents a foot of the vessel's draught.

Repeal.

SECTION 2. Chapter two hundred eighty-eight of the acts of the year eighteen hundred and eighty-eight and

so much of chapter one hundred and seventy-six of the acts of the year eighteen hundred and sixty-two as relates to pilotage in and out of Wood's Holl harbor, are hereby repealed.

Approved April 19, 1889.

AN ACT TO SUPPLY THE TOWN OF PROVINCETOWN WITH WATER.

Chap.276

Be it enacted, etc., as follows :

SECTION 1. The town of Provincetown may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate 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.

Provincetown may supply itself with water.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the water of any ponds or water sources within the limits of said town of Provincetown together with any 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 Provincetown; and may erect on the land thus taken or held, proper buildings, dikes, 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 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, 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 within the limits of the town.

May construct and lay down conduits.

May dig up lands under direction of selectmen.

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, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Barnstable a description thereof sufficiently accurate for identification, with a statement

To file in registry of deeds a description of land, etc., taken.

of the purpose for which the same was taken, signed by the water commissioners hereinafter provided for.

Town to pay damages sustained.

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 by any other things 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.

Application for damages not to be made until water is actually withdrawn.

Provincetown Water Loan not to exceed \$65,000.

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 sixty-five thousand dollars; such bonds, notes and scrip shall bear on the face the words, Provincetown Water Loan, shall be payable at the expiration of periods not exceeding thirty years from date of issue; shall bear interest payable semi-annually at a rate not exceeding five per centum 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: *provided*, that such securities shall not be sold or pledged for less than the par value thereof. 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.

May sell securities or pledge the same for money borrowed.

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.

May make annual proportionate payments instead of establishing sinking fund.

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.

Return to state amount of fund, etc.

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.

To raise sufficient to pay interest and current annual expenses.

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 fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for wilfully corrupting or diverting water.

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

Water commissioners to be elected.

by ballot for the 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.

To be trustees
of sinking fund.

Vacancies.

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

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 two.

Approved April 19, 1889.

Chap.277 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF NEWBURYPORT.

Be it enacted, etc., as follows:

Salary of clerk.

SECTION 1. The salary of the clerk of the police court of Newburyport shall be eight hundred dollars a year, to be so allowed from the first day of April in the year eighteen hundred and eighty-nine.

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

Approved April 19, 1889.

Chap.278 AN ACT TO AUTHORIZE THE SPENCER RAILROAD COMPANY TO SELL AND CONVEY ITS RAILROAD PROPERTY AND FRANCHISE TO THE BOSTON AND ALBANY RAILROAD COMPANY.

Be it enacted, etc., as follows:

May sell road
and franchise to
the Boston and
Albany Rail-
road Company.

SECTION 1. The Spencer Railroad Company is hereby authorized to sell, convey and transfer to the Boston and Albany Railroad Company the railroad and all the property, rights, privileges and franchises of the said Spencer Railroad Company; and said Boston and Albany Railroad Company is hereby authorized to purchase, receive, hold, operate, use and enjoy said railroad and all said property, rights, privileges and franchises upon such terms and conditions as shall, at any time within one year from the passage of this act, be approved by a majority in interest

of the stockholders of said Spencer Railroad Company present and voting at a meeting duly called for the purpose and by a vote of the directors of said Boston and Albany Railroad Company.

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

Approved April 26, 1889.

AN ACT RELATIVE TO MILITARY AID.

Chap. 279

Be it enacted, etc., as follows:

SECTION 1. Any city or town may raise money and under the direction of its mayor and aldermen or selectmen may, under the following conditions, pay sums thereof to, or expend them for, any worthy person who shall have the description and qualifications of the first class of persons described in section two, or of the second class described in section three, or of the third class described in section four, or of the fourth class described in section five of this act, as military aid.

SECTION 2. Each person of the first class shall be qualified as follows:

First. He shall have his settlement under the pauper laws in the city or town aiding him.

Second. He shall have served as a soldier, sailor or commissioned officer in the army or navy of the United States to the credit of this Commonwealth; or in such army or navy in one of the volunteer military organizations of this Commonwealth known as three months' men, ninety days' men, or one hundred days' men, mustered into the United States service in one of the months of April, May, June or July in the year eighteen hundred and sixty-one, or April, May, July or August in the year eighteen hundred and sixty-four; or in such army or navy to the credit of any other state, between the nineteenth day of April in the year eighteen hundred and sixty-one and the eighteenth day of March in the year eighteen hundred and sixty-two, having been a resident of this Commonwealth actually living therein at the time of his enlistment.

Third. He shall have been honorably discharged from such United States service.

Fourth. He shall be a poor and indigent person standing in need of relief, by reason of sickness or other physical disability, who would otherwise be entitled to relief under the pauper laws.

Fifth. He shall not be, directly or indirectly, in the receipt of any other pension, state or military aid.

Sixth. He shall not be entitled, under the laws of the United States or under the rules governing such institutions, to admission to any national soldiers' or sailors' home, and his disability must have arisen from causes independent of his service aforesaid, except in such cases of applicants for pensions, while their applications are pending, as the mayor and aldermen or selectmen are satisfied upon evidence first reported to the commissioners of state aid, and satisfactory to them, that justice and necessity require such aid to prevent actual suffering, and in case of such unmarried applicants that they cannot obtain assistance at a national soldiers' or sailors' home.

Second class.

SECTION 3. Each person of the second class shall have his settlement under the pauper laws in the city or town aiding him and be further qualified as follows: He shall be an invalid pensioner, and entitled to receive state aid under the provisions of an act entitled, An Act providing for the payment of state aid, of the acts of the current year, whose pension and state aid shall be inadequate for his relief, and who would otherwise receive relief under the pauper laws, but while actually aided under such chapter he shall not receive aid under this act.

Third class.

SECTION 4. Each person of the third class shall have all the qualifications recited in section two for persons of the first class, except settlement under the pauper laws, but in lieu of such settlement he shall be an actual resident of the city or town aiding him and his residence therein shall have been continuous during the three years last preceding his receipt of aid under this chapter.

Fourth class.

SECTION 5. Each person of the fourth class shall have all the qualifications recited in section three for persons of the second class, except settlement under the pauper laws, but in lieu of such settlement he shall be an actual resident of the city or town aiding him, and his residence therein shall have been continuous during the three years last preceding his receipt of aid under this chapter.

Aid to those of third and fourth classes to be furnished upon order of commissioners.

SECTION 6. No city or town shall render aid under this act to any person of the third or fourth classes without first obtaining from the commissioners of state aid, after furnishing them such evidence as they may require that the person to receive aid is entitled thereto as may be ordered, an order fixing the maximum amount per

week within which payments may be made, the period during which aid may be allowed, and stating such other conditions as they may impose relative to such aid, which order may be revoked or modified by such commissioners by giving written notice to the city or town procuring it.

SECTION 7. No person shall be compelled to receive aid under this act without his consent. No person receiving aid under this act shall receive aid under the provisions of an act entitled, An Act providing for the payment of state aid, of the acts of the current year. Any person receiving aid under this act may be required by the mayor and aldermen or the selectmen granting him the same, or by the commissioners of state aid, as a condition of granting such aid, to pay over his pension to said mayor and aldermen or selectmen, to be expended for his relief before he shall receive such aid. No person shall be required to receive the relief or support furnished under this act in any almshouse or public institution, unless his physical or mental condition requires it, or he chooses to do so; and except in such cases it shall be paid to, or expended for, only those persons who live separately from persons receiving support as paupers.

SECTION 8. All aid furnished under the provisions of this act shall be applied solely for the benefit of the person for whom it is intended, and no greater sum shall be paid to or for any person under this act than shall be necessary to furnish him reasonable relief or support; and no sum shall be paid to or for any person competent to support himself, or in receipt of income or in ownership of property sufficient for his own support, nor to or for any person more than is necessary in addition to his income and property, for his personal relief or support. And no relief shall be given under this act to or for any person whose necessity therefor is caused by voluntary idleness or who is known to be in the practice of vicious and intemperate habits. Municipal authorities granting aid under this act shall from time to time after its original allowance make such investigation into the necessities of the person aided and the facts of his case, and any change thereof, as to preclude any payment of aid contrary to the terms of this act.

SECTION 9. The auditor of the Commonwealth, the adjutant-general and some competent third person appointed by the governor and council, with a salary to be

Not compelled to receive aid without consent.

Aid to be applied solely for benefit of person intended.

Relief not to be given when necessity is caused by voluntary idleness or intemperate habits.

Commissioners of state aid.

fixed by them not exceeding eighteen hundred dollars per annum, who shall devote his whole time to the duties of his office, shall be commissioners of state aid, and shall perform the duties required of such commissioners under the laws relating to state and military aid. Said commissioners shall investigate all payments of money under any and all such laws, so far as the interests of the Commonwealth may require.

Sums expended, etc., to be certified to the auditor under oath.

SECTION 10. When any sum shall have been expended under and according to this act, the full amount so expended, the names of the persons receiving the same, and the names of the companies and regiments or vessels, if any, in which they respectively enlisted, and in which they last served, the sums received by each, and the reasons for the expenditure in each case, with such other details as the commissioners of state aid may require, shall be certified under oath to the auditor in manner approved by him by the mayor, treasurer, and city clerk of any city or by a majority of the selectmen of any town disbursing the same, within ten days after the first day of the month next after the expenditure is made; and the commissioners of state aid shall examine the certificates thereof, and allow and indorse upon the same such sums as in their judgment have been paid and reported according to this act. In the allowance of said commissioners they may consider and decide upon the necessity of the amount paid in each case, and they may allow any portion thereof which they may deem proper and lawful, and which, in cases of payment to or for persons of the third or fourth classes, they shall also find to have been made according to their orders. Of the sums so allowed and indorsed by the commissioners, one-half and no more of all payments made to or for persons of the first and second classes, and the whole of all payments made to or for persons of the third and fourth classes, shall be reimbursed by the Commonwealth to the town or city expending the same on or before the first day of December in the year next after the year in which the same have been paid. Said commissioners, with the approbation of the governor, may appoint as occasion may require one or more disinterested persons, whose duty it shall be to investigate any claim or claims made against the Commonwealth for reimbursement, who may examine any persons receiving relief under this act and investi-

Reimbursement by the Commonwealth.

gate the reasons therefor, and all matters relating to the granting of such relief, and who shall report their doings to said commissioners. The reasonable expenses of the commissioners and expenses and compensation of such disinterested person or persons, approved by said commissioners and allowed by the governor and council, shall be paid from the treasury of the Commonwealth.

Expenses of
commissioners.

SECTION 11. Sections ten, eleven, twelve, sixteen and that part of section seventeen beginning with the word "one-half" and continuing to the end of said section of chapter thirty of the Public Statutes are hereby repealed, and no aid shall be paid under said sections although provided for by any other act or resolve; but all special resolves authorizing the payment of aid to individuals under said sections shall be construed to authorize the payment thereof under this act under the same limitations of time and other conditions provided in said resolves for payment under said sections. And the provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation thereof. Chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-five and sections two and four of chapter four hundred and thirty-eight of the acts of the year eighteen hundred and eighty-eight are hereby repealed.

Repeal.

SECTION 12. The provisions of this act shall continue in force until the first day of January in the year eighteen hundred and ninety-five and no longer, except such provisions as relate to settlement of accounts for payment of aid rendered by cities and towns previous to said date and reimbursement thereof, which provisions shall continue in force one year only after said date. But the expiration of this act shall not be held to revive any act or resolve or any part thereof in this act repealed. No special act or resolve now in force or hereafter passed granting military aid to persons therein named, payable under this act, shall continue in force after the date first named in this section unless otherwise expressly provided.

Provisions to be
in force until
Jan. 1, 1895.

SECTION 13. This act shall take effect on the first day of June in the year eighteen hundred and eighty-nine.

To take effect
June 1, 1889.

Approved April 26, 1889.

*Chap.*280 AN ACT TO INCORPORATE THE DIOCESAN BOARD OF MISSIONS OF THE
PROTESTANT EPISCOPAL CHURCH IN MASSACHUSETTS.

Be it enacted, etc., as follows:

Diocesan Board
of Missions,
incorporated.

SECTION 1. Benjamin H. Paddock, Phillips Brooks, Henry F. Allen, Thomas F. Fales, A. St. John Chambré, George S. Converse, John T. Magrath, Henry L. Foote, Charles H. Learoyd, Edward Osborne, Alexander H. Vinton, Charles W. Duffield, Reginald H. Howe, H. N. Bigelow, William C. Lovering, Robert Treat Paine, George C. Shattuck, Daniel B. Hagar, John S. Blatchford, Edward L. Davis, Edmund H. Bennett, Charles G. Saunders, A. J. C. Sowdon, James Cunningham and M. P. Southworth and their successors, are hereby made a corporation under the name of the Diocesan Board of Missions, for the purpose of conducting missionary operations within the Commonwealth. Nothing herein shall affect the power of the convention of the protestant episcopal church in the diocese of Massachusetts to make such rules and regulations or so to alter or amend the constitution of the said board, as the said convention shall deem necessary or proper to promote the purpose for which the said board is incorporated as aforesaid.

Real and
personal estate.

SECTION 2. For the object designated in the first section of this act generally, or for any purpose connected with such object, the said corporation shall have power from time to time to purchase, take by gift, grant, devise or bequest and hold real and personal estate, and to sell, lease or otherwise dispose of the same, to an amount not exceeding five hundred thousand dollars.

Powers and
duties.

SECTION 3. This corporation shall possess the general powers and privileges and be subject to the duties, restrictions and liabilities contained in all general laws which now or hereafter may be in force and applicable to such corporations.

SECTION 4. This act shall take effect upon its passage.
Approved April 26, 1889.

Chap 281 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE FOURTH
DISTRICT COURT OF PLYMOUTH.

Be it enacted, etc., as follows:

Salary of
justice.

SECTION 1. The salary of the justice of the fourth district court of Plymouth shall be one thousand dollars a

year, to be so allowed from the first day of April in the year eighteen hundred and eighty-nine.

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

Approved April 26, 1889.

AN ACT TO FURTHER AMEND AN ACT TO INCORPORATE THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 282*

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-seven, as amended by chapter thirty-two of the acts of the year eighteen hundred and eighty-six, is hereby further amended by striking out all of said section after the word "officers" in the thirteenth line, and inserting in place thereof the words:—The whole number of said trustees shall not exceed twenty-one, three of whom shall, after the first Monday of May in the year eighteen hundred and eighty-nine, be appointed by the governor by and with the advice and consent of the council, one to hold office for the term of three years, one for the term of two years, and one for the term of one year, beginning with said first Monday of May; and annually thereafter a trustee shall be appointed as aforesaid, to hold for the term of three years beginning with the first Monday of May in the year of his appointment. Any vacancy occurring among the trustees appointed as aforesaid shall be filled by the appointment by the governor as aforesaid, of a trustee for the remainder of the unexpired term. Whenever a vacancy shall occur among the other eighteen trustees, and the number of said other trustees who are members of the Department of Massachusetts, Grand Army of the Republic, shall be less than fifteen, the remaining trustees including those appointed by the governor shall select a member of said department to fill said vacancy; but if said number shall be fifteen or more, they may select any inhabitant of the Commonwealth to fill the vacancy.

Charter amended.

Trustees.

Vacancies.

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

Approved April 26, 1889.

*Chap.*283 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO EXTEND, WIDEN AND ALTER THE GRADE OF CERTAIN STREETS IN SAID CITY AND TO PROVIDE FOR THE COST THEREOF.

Be it enacted, etc., as follows:

Street commissioners may extend Eastern avenue in South Boston.

SECTION 1. The board of street commissioners of the city of Boston may lay out an extension of Eastern avenue or Congress street, so called, in South Boston, and may widen and alter the grade of said street or any portion thereof as now laid out, so as to carry said street by a highway bridge over the railroad of the New York and New England Railroad Company, in accordance with plans to be approved by the board of harbor and land commissioners.

May lay out an extension of Oliver street.

SECTION 2. Said board of street commissioners may also lay out an extension of Oliver street, so called, in said city, easterly to Fort Point channel, and may, subject to the provisions of chapter nineteen of the Public Statutes, lay out a public highway bridge across said channel to connect with Northern avenue, so called, as said avenue is authorized to be laid out in South Boston.

Provisions of general laws to apply.

SECTION 3. The provisions of all general laws applicable to the laying out, widening and alteration of highways in the city of Boston shall apply to all acts and things done under the authority of this act, except as herein otherwise provided.

City may incur indebtedness beyond the debt limit to an amount not exceeding \$500,000.

SECTION 4. The city of Boston, for the purpose of paying the expenses incurred under this act, may incur indebtedness and may authorize the city treasurer of said city to issue, from time to time as may be required therefor, bonds or certificates of indebtedness to an amount not exceeding five hundred thousand dollars, outside of the limit of indebtedness fixed by law for said city. Such bonds or certificates shall be payable within thirty years from their date, and shall bear interest at a rate not exceeding four per centum per annum, to be fixed as provided in the ordinances of said city. Said treasurer shall sell such bonds or 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 purposes aforesaid: *provided, however*, that the premiums, if any, received in the sale of such bonds or certificates shall be paid over to the board of commissioners of sinking funds of said city and be placed in the

Bonds to be sold from time to time.

Proviso.

sinking fund created for the payment of the loan herein authorized. Except as herein otherwise provided, the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds or certificates, and to the establishment of a sinking fund for the payment thereof at maturity.

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

Approved April 26, 1889.

AN ACT RELATIVE TO PERSUADING OR AIDING SEAMEN NOT TO PROCEED ON THE VOYAGE FOR WHICH THEY HAVE SHIPPED.

Chap. 284

Be it enacted, etc., as follows:

Section eight of chapter sixty-nine of the Public Statutes is hereby amended by striking out in the third line thereof the words "and has received advanced wages therefor", so as to read as follows, viz.:— *Section 8.* Whoever knowingly and wilfully persuades or aids a person who has shipped on a voyage from a port in this Commonwealth, wilfully to neglect to proceed on such voyage, shall forfeit a sum not exceeding one hundred dollars.

Amendment to P. S. 69, § 8.

Penalty.

Approved April 26, 1889.

AN ACT TO INCORPORATE THE BOURNE CEMETERY ASSOCIATION.

Chap. 285

Be it enacted, etc., as follows:

SECTION 1. George I. Briggs, George W. Perry, David W. O. Ellis, Samuel Bourne, Jerome L. Bourne, Ordello R. Swift, George W. Ellis, Elisha Ellis and Warren P. Keene, their associates and successors, are hereby made a corporation by the name of the Bourne Cemetery Association, for the purpose of perfecting, controlling and improving the grounds set apart, used and known as the cemetery in the village of Bourne in the town of Bourne. Said corporation shall have all the powers and be 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, except as is otherwise provided in this act.

Bourne Cemetery Association, incorporated.

SECTION 2. The said corporation may take and hold the real estate known as the Bourne cemetery lot situate in that part of the town of Bourne called Bourne.

May take and hold the Bourne cemetery lot.

SECTION 3. The said corporation may acquire by gift, devise or purchase, and hold in fee simple, so much real

May acquire and hold real and

personal
property.

estate in the village of Bourne in the town of Bourne, and may also hold so much personal property, as may be necessary for the objects connected with and appropriate to the purposes of said corporation.

Payment of
damages.

SECTION 4. Any person claiming to be aggrieved by the provisions of this act may at any time within one year after this act takes effect apply by petition to the superior court for the county of Barnstable, and his damages, if any, shall be assessed and determined by and under the direction of said court, and shall be paid by said Bourne Cemetery Association.

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

Approved April 26, 1889.

Chap. 286 AN ACT EXTENDING THE PROVISIONS OF THE PUBLIC STATUTES RELATING TO THE TAXABLE VALUATION OF VESSELS ENGAGED IN THE FOREIGN CARRYING TRADE.

Be it enacted, etc., as follows:

Renewal and
extension of
P. S. 11, § 10, as
amended by
1887, 373.

SECTION 1. The provisions of section ten of chapter eleven of the Public Statutes as amended by chapter three hundred and seventy-three of the acts of the year eighteen hundred and eighty-seven are hereby renewed and extended for the term of two years.

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

Approved April 26, 1889.

Chap. 287 AN ACT CHANGING THE TIME OF THE SITTINGS OF THE SUPERIOR COURT FOR CIVIL BUSINESS FOR THE COUNTY OF NORFOLK.

Be it enacted, etc., as follows:

Superior court
for Norfolk
county.

The superior court for civil business, for the county of Norfolk, now required to be held at Dedham, within and for the county of Norfolk, on the fourth Mondays of April, September and December in each year, shall hereafter be held on the first Mondays of January, May and October in each year.

Approved April 26, 1889.

Chap. 288 AN ACT IN RELATION TO THE RETURNS OF BIRTHS BY PHYSICIANS AND MIDWIVES.

Be it enacted, etc., as follows:

Amendment to
P. S. 32, § 7.

Section seven of chapter thirty-two of the Public Statutes, as amended by chapter one hundred and fifty-eight of the acts of the year eighteen hundred and eighty-three, is hereby further amended by striking out in the second

and third lines of said section the words "except Boston", so as to read as follows:— *Section 7.* Physicians and midwives shall on or before the fifth day of each month report to the clerk of each city or town a correct list of all children born therein during the month next preceding, at whose birth they were present, stating the date and place of each birth, the name of the child (if it has any), the sex and color of the child, the name, place of birth and residence of the parents, and the occupation of the father. The fee of the physician or midwife shall be twenty-five cents for each birth so reported and shall be paid by the city or town in which the report is made.

Returns of births by physicians and midwives to be made monthly.

Approved April 26, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF FITCHBURG.

Chap. 289

Be it enacted, etc., as follows:

SECTION 1. The salary of the clerk of the police court of Fitchburg shall be eight hundred dollars a year, to be so allowed from the first day of March in the year eighteen hundred and eighty-nine.

Salary of clerk.

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

Approved April 26, 1889.

AN ACT TO CONFIRM A DEED GIVEN BY THE FIRST CONGREGATIONAL PARISH OF DALTON.

Chap. 290

Be it enacted, etc., as follows:

SECTION 1. The deed given by the First Congregational Parish of Dalton, dated December fourth, eighteen hundred and eighty-eight, and recorded in the middle district registry of deeds in the county of Berkshire, libro two hundred and sixty-eight, folio five hundred and eighty-five, and purporting to convey certain lands situated in said Dalton to Zenas Crane, is hereby ratified and confirmed, and made valid in all respects.

Deed confirmed.

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

Approved April 26, 1889.

AN ACT RELATING TO THE EMPLOYMENT OF CHILDREN.

Chap. 291

Be it enacted, etc., as follows:

Section seven of chapter three hundred and forty-eight of the acts of the year eighteen hundred and eighty-eight is hereby amended by inserting after the word "unless",

Amendment to 1888, 348, § 7.

Employment
of children.

in the seventh line of said section, the words : — such child can read at sight and write legibly simple sentences in the English language or is, — so as to read as follows : — No child who has been continuously a resident of a city or town since reaching the age of thirteen years shall be entitled to receive a certificate that he has reached the age of fourteen unless or until he has attended school according to law in such city or town for at least twenty weeks since reaching the age of thirteen, unless such child can read at sight and write legibly simple sentences in the English language or is exempted by law from such attendance.

Approved April 26, 1889.

Chap. 292 AN ACT TO EXTEND THE TIME FOR THE TAKING OF FISH IN NORTH RIVER IN THE COUNTY OF PLYMOUTH.

Be it enacted, etc., as follows :

Time extended
for taking fish.

Section four of chapter forty-four of the acts of the year eighteen hundred and eighty-one is hereby amended by striking out the word “June”, in the fourth line of said section, and inserting in place thereof the word : — July, — so as to read as follows : — *Section 4.* It shall be lawful for the inhabitants of the several towns on North river to take fish on Mondays, Wednesdays and Fridays of each week, from April first to July first inclusive, of each year, with ten seines only in the manner following, to wit : — The towns of Norwell, Scituate and Pembroke shall each have the right of disposing at public auction for their own benefit, of the privilege of catching fish with two seines only, and the town of Marshfield the right of disposing at public auction for their own benefit, of the privilege of catching fish with four seines only, in the river aforesaid.

Approved May 3, 1889.

Chap. 293 AN ACT TO RATIFY AND CONFIRM THE PROCEEDINGS OF THE TOWN MEETING OF THE TOWN OF MOUNT WASHINGTON HELD IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE.

Be it enacted, etc., as follows :

Proceedings at
town meeting
confirmed.

SECTION 1. The proceedings of the town meeting of the town of Mount Washington, held on the twenty-fifth day of March in the year eighteen hundred and eighty-nine, are hereby made valid and effectual notwithstanding any defects in the warrant calling said meeting, or in the service thereof, or any failure to attest any copy of said warrant.

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

Approved May 3, 1889.

AN ACT IN RELATION TO THE APPROVAL OF BILLS FOR THE MAINTENANCE OF THE STATE PRISON, THE REFORMATORY PRISON FOR WOMEN AND THE MASSACHUSETTS REFORMATORY. *Chap. 294*

Be it enacted, etc., as follows :

SECTION 1. All bills contracted by the warden of the state prison, the superintendent of the reformatory prison for women, or the superintendent of the Massachusetts reformatory, for the maintenance of said institutions and the pay-rolls for salaries of officers and employees thereof, shall be approved by a majority of the commissioners of prisons before payment. Bills contracted by warden, etc., to be approved by commissioners before payment.

SECTION 2. Chapter three hundred and thirty-seven of the acts of the year eighteen hundred and eighty-eight is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved May 3, 1889.

AN ACT GRANTING ADDITIONAL POWERS TO THE NEW BEDFORD GAS LIGHT COMPANY. *Chap. 295*

Be it enacted, etc., as follows :

SECTION 1. The New Bedford Gas Light Company, in addition to the rights and powers conferred upon it by its original act of incorporation, is hereby authorized to furnish to the inhabitants of the town of Fairhaven gas for illuminating, heating and mechanical purposes, and to generate and furnish to said inhabitants electricity for purposes of light and power. And said corporation may, for said purposes of supplying gas and electricity, extend its mains, pipes and wires, and erect poles necessary for the accomplishment of the foregoing purposes. May furnish gas to inhabitants of Fairhaven.

SECTION 2. Said corporation before commencing operations under this act shall obtain the written consent of the selectmen of said Fairhaven to dig up, open and encumber the ground in any of the streets of said town so far as may be necessary to carry into effect the authority hereby given. Subject to consent of the selectmen.

SECTION 3. Except as hereinbefore provided said corporation, in so furnishing gas and electricity in the town of Fairhaven, shall have all the powers and privileges and be 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 gas and electric light companies. Powers and duties.

SECTION 4. This act shall take effect upon its passage.
Approved May 3, 1889.

Chap.296 AN ACT TO CONFIRM CERTAIN ACTS OF THE BRIGHTON AVENUE BAPTIST SOCIETY IN BOSTON.

Be it enacted, etc., as follows:

Certain acts confirmed.

SECTION 1. All acts of the Brighton Avenue Baptist Society in Boston, which could legally have been done by any religious society, from the fifteenth day of May in the year eighteen hundred and seventy-eight to the eleventh day of March in the year eighteen hundred and eighty-nine, as recorded by the clerk of said society in its book of records, are hereby ratified, confirmed and established as legal and binding, and all officers of said society declared by said records to have been elected shall be deemed to have been legally elected and qualified, any informalities or omissions in said records to the contrary notwithstanding.

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

Approved May 3, 1889.

Chap.297 AN ACT TO ENLARGE THE POWERS OF THE SCHOOL COMMITTEE OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Powers of school committee of Boston enlarged.

SECTION 1. Section six of chapter two hundred and forty-one of the acts of the year eighteen hundred and seventy-five is hereby repealed, and the following substituted therefor: — *Section 6.* The school committee shall have full power and authority to order to be made on the school buildings any additions, alterations and repairs, for school purposes, which it deems to be necessary; to provide temporary accommodations for school purposes; to select, bond and purchase the land required for school buildings and their yards; and to fix finally and conclusively the plans for school buildings to be erected; provided that nothing herein shall authorize said school committee, in behalf of the city of Boston, to expend or contract to expend for said purposes any money in excess of the amount previously appropriated therefor.

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

Approved May 3, 1889.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO FURNISH RELIEF TO
SOLDIERS AND SAILORS AND THE WIDOWS OF SOLDIERS AND SAILORS
WHO SERVED IN THE ARMY OR NAVY OF THE UNITED STATES DUR-
ING THE WAR OF THE REBELLION. *Chap.298*

Be it enacted, etc., as follows:

SECTION 1. Whenever any person who served in the army or navy of the United States in the war of the rebellion, and received an honorable discharge therefrom, and who has a legal settlement in a city or town in this Commonwealth, becomes from any cause, except his own criminal or wilful misconduct, poor, and entirely or in part unable to provide maintenance for himself, or whenever such a person has died and left a widow without proper means of support, such person or his widow shall be supported wholly or in part, as may be necessary, by the city or town in which they or either of them have a legal settlement. Such relief shall be furnished at the home of the beneficiary, or at such other place in the Commonwealth, other than an almshouse, as the mayor and aldermen of such city or the selectmen of such town may deem right and proper.

Relief for sol-
diers and sailors
and their
widows.

SECTION 2. Cities and towns shall raise and appropriate money for the purpose of carrying out the provisions of this act.

Cities and towns
may raise
money.

SECTION 3. Chapter four hundred and thirty-eight of the acts of the year eighteen hundred and eighty-eight is hereby repealed.

Repeal.

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

Approved May 3, 1889.

AN ACT REQUIRING CEMETERY CORPORATIONS TO KEEP RECORDS OF
ALL CONVEYANCES OF BURIAL LOTS AND CONTRACTS IN RELATION
THERETO. *Chap.299*

Be it enacted, etc., as follows:

Every cemetery corporation, whether created by special charter or organized under the general laws, shall regularly keep books in which it shall enter all conveyances of burial lots within said cemetery, and all instruments of contract relating to conveyances of such lots; and such records shall have and be of the same force and effect as if made in the registry of deeds for the county or district where such cemetery is situated; and no other shall be deemed necessary.

To keep records
of conveyances
of burial lots,
etc.

Approved May 3, 1889.

*Chap.*300 AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE BETTER ACCOMMODATION OF THE STATE GOVERNMENT IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Enlargement of
state house.

SECTION 1. In order to defray the expenses which have been and may be incurred in pursuance of chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight, the treasurer and receiver-general is hereby authorized under the direction of the governor and council to issue scrip or certificates of indebtedness, in the name and behalf of the Commonwealth, to an amount not exceeding one hundred and thirty thousand dollars, in addition to the amount heretofore issued, redeemable on the first day of July in the year nineteen hundred and one, said scrip to bear interest at a rate not exceeding four per cent. per annum, payable semi-annually at the office of the treasurer and receiver-general in Boston. Said scrip shall be issued from time to time as may be necessary, and no portion of said scrip shall be disposed of at any price less than the par value, and any sum or sums of money necessary to be paid for the land that has been taken and the expenses incurred under the provisions of said chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight are hereby appropriated to be paid out of the proceeds of the sale of scrip aforesaid, or from any other money in the treasury not otherwise appropriated.

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

Approved May 3, 1889.

*Chap.*301 AN ACT PROVIDING FOR THE PAYMENT OF STATE AID.

Be it enacted, etc., as follows :

Payment of
state aid.

SECTION 1. Any city or town may raise money for the purposes of this act; and the treasurers thereof may, under the direction of the mayor and aldermen or the selectmen thereof, under the following conditions pay state aid to, or expend it for, any worthy person having a residence and actually residing in such city or town who is not receiving aid from any other state, nor from any other city or town in this state, and who shall be in such necessitous circumstances as to require further public assistance, and who shall belong to either of the following classes, to wit :

First Class. Invalid pensioners of the United States First class. who served in the army or navy of the United States between the nineteenth day of April in the year eighteen hundred and sixty-one and the first day of September in the year eighteen hundred and sixty-five, to the credit of the state of Massachusetts; or in such army or navy in the military organizations of this state known as three months' men, ninety days' men, or one hundred days' men, mustered into the United States service in the months of April, May, June or July in the year eighteen hundred and sixty-one, or April, May, July or August in the year eighteen hundred and sixty-four;— or who, having their residence and actually residing in this state at the time of their enlistment, served to the credit of any other state in such army or navy, between the nineteenth day of April in the year eighteen hundred and sixty-one and the eighteenth day of March in the year eighteen hundred and sixty-two; which pensioners have been honorably discharged from their said service in the army or navy and are so far disabled by such service as to prevent them from following their ordinary and usual vocations.

Second Class. Dependent relatives of soldiers or Second class. sailors who have served in the manner and under the limitations described for the service of invalid pensioners of the first class, and have, if not dying in such service, been honorably discharged therefrom, as follows: namely, the widows and widowed mothers of soldiers or sailors dying in such service or dying after their honorable discharge therefrom or dying while in receipt of a pension of the United States and the state aid of this state, and the wives and widowed mothers of invalid pensioners of the first class receiving from the United States at least one-half the amount allowed for total disability.

Third Class. Dependent relatives of soldiers or Third class. sailors who have served in the manner and under the limitations described for the service of invalid pensioners of the first class, who appear on the rolls of their respective regiments or companies, in the office of the adjutant-general, to be missing or to have been captured by the enemy, and who have not been exchanged, and have not returned from captivity, and who are not known to be alive, as follows: namely, the widows or wives and widowed mothers of such soldiers or sailors: *provided,*

that no such relative of any such soldier or sailor shall belong to this class or be aided as such if the municipal authorities granting the aid shall have good and sufficient reason to believe that such soldier or sailor deserted, or that he is still living and wilfully absent from his family.

Fourth class.

Fourth Class. Persons who were receiving state aid as dependent fathers or mothers, prior to the eleventh day of April in the year eighteen hundred and sixty-seven, and were precluded therefrom by the provisions of the act of that date: *provided*, the mayor and aldermen or selectmen shall in each case be satisfied, on evidence first reported to the commissioners of state aid and satisfactory to them, that justice and necessity require a continuance of the aid to prevent actual suffering.

Restrictions as to wife or widow.

SECTION 2. No wife or widow of any discharged soldier or sailor shall be held to belong to either of the foregoing classes or be aided as such under this act unless, if his wife, she was married to him prior to his final discharge from the service aforesaid, and, if his widow, she was married to him prior to the ninth day of April in the year eighteen hundred and eighty. No person receiving military aid shall also receive state aid. The words "pensioners," "soldiers" and "sailors," singular or plural, used in this act shall be held to include commissioned officers.

Classification of beneficiaries under special acts, etc.

SECTION 3. All persons specifically referred to and to or for whom state aid is paid under any special act or resolve passed since the first day of June in the year eighteen hundred and seventy-nine, or to or for whom state aid was then being paid under any special act or resolve then repealed, shall be held to belong to the first or second classes under this act, — namely, soldiers and sailors to the first class, and dependent relatives of soldiers and sailors to the second class, — notwithstanding the limitations of such classes; and state aid may be paid to or for such persons in the manner and under the same limitations that it is paid to or for other persons of their respective classes under this act: *provided*, that no aid shall be paid to or for any person under this section contrary to any limitation or condition expressed in the original special act or resolve authorizing state aid to be paid to or for such person. All special acts and resolves granting state aid are hereby repealed except so far as they authorize the payment of military aid as provided in section eleven

Proviso.

of an act entitled, An Act relative to military aid, of the acts of the current year: *provided*, that this section shall not be held to apply to any special act or resolve specifically granting a fixed amount or an annual sum to any soldier or sailor or the dependent relative of any soldier or sailor for life or a term therein specified. Proviso.

SECTION 4. No state aid shall be paid under this act to or for any person of the first class to an amount exceeding three-fourths of the monthly amount of his pension, nor more than six dollars in any one month; and if pensioned as a commissioned officer he shall only be paid such proportion of state aid as he would be entitled to receive if his pension were based upon the rank of a private. No state aid shall be paid under this act to or for any person of the second, third or fourth classes to an amount exceeding four dollars in any one month; and no more than eight dollars shall be paid to or for all the dependent relatives of any one soldier or sailor in any one month. Limit of amounts to be paid.

SECTION 5. All aid furnished under this act shall be paid to or for the persons for whom it is intended, for their future benefit; and no assignment thereof shall be valid or recognized, and it shall not be subject to trustee process. No back state aid shall be paid. No greater sum shall be paid to or for any person under this act than shall be necessary to furnish such person reasonable relief; and no aid shall be paid under its provisions to or for any person competent to support himself or herself, or in receipt of income, or in ownership of property, sufficient for his or her own support, nor to or for any person more than is necessary in addition to the income and property of such person for his or her personal relief; and no aid shall be paid under this act to any person not in such necessitous circumstances as to require further public assistance. No aid shall be paid under this act to or for any pensioner or dependent relative when the necessity therefor arises from the continuance in vicious or intemperate habits of said pensioner or of the soldier or sailor on whose account the same is paid. No aid shall be paid under this act to or for any person convicted of any criminal offence, unless or until the municipal authorities and the commissioners of state aid otherwise determine. Assignments not valid.

SECTION 6. Persons making application for aid in any city or town under this act shall as a basis for the Back state aid not to be paid.

Aid not to be paid when necessity arises from vicious, etc., habits.

Statement to be in writing, under oath.

first payment thereof state in writing, under oath, the age and residence of the party for whom such aid is claimed; the relation of the claimant to the party who rendered the service for which aid is claimed; the company and regiment, or the vessel, if any, in which the officer, soldier or sailor enlisted and in which he last served; the date and place of such enlistment, when known; the duration of such service and the reason upon which the claim for aid is founded; and furnish such official certificates of record, evidence of enlistment, service and discharge as may be required. Municipal authorities granting to such claimant any subsequent aid shall from time to time make such investigation into the necessities of said claimant and the facts of the case as to preclude any payment thereof contrary to the terms of this act. The original papers in each case shall be filed with the commissioners of state aid if required. It shall be the duty of the auditor to furnish from time to time to each city and town a sufficient number of blank forms for the use of applicants for aid under this act.

Original papers to be filed with commissioners when required.

Commissioners of state aid to be a board of appeal.

SECTION 7. The commissioners of state aid shall constitute a board of appeal for invalid pensioners, to decide upon all disputed questions relating to claims for aid arising between them and the municipal authorities under this act. Their decisions shall be final upon the points in question. Said commissioners may, upon appeals, decide or refuse to decide upon the necessity of the claimant for the aid; and if they shall decide upon that question, and that he is in all respects entitled to aid under this act, they may authorize its monthly payment to him according to this act, under such limitations as they may impose, for a term not exceeding one year, but not after this act shall become void. Said commissioners shall investigate all payments of state aid under this act so far as the interests of the Commonwealth may require. They may, with the consent of the governor, appoint, as occasion may require, one or more disinterested persons whose duty it shall be to investigate any claim or claims made against the Commonwealth for reimbursement under this act, who may examine any persons to or for whom state aid has been paid under this act, and investigate the reasons therefor and all matters relating to the granting of such aid, and shall report his or their doings to said commissioners. The reasonable expenses of the commissioners

Expenses.

and the expenses and compensation of any such disinterested person, approved by said commissioners and allowed by the governor and council, shall be paid from the treasury of the Commonwealth.

SECTION 8. When any sum shall have been expended under and according to this act, the full amount so expended, the ages and names of the persons aided, and the classes to which they severally belong, and the several sums paid to or for each person and the reasons for the expenditure in each case, and the names of the persons on account of whose services the aid was granted, and the names of the regiments and vessels, if any, in which they respectively enlisted and in which they last served, and the relationship of each dependent relative aided to the person on account of whose services the aid was granted, with such other details as the commissioners of state aid may require, shall be certified under oath to the auditor in manner approved by him, by the mayor, treasurer and city clerk of any city or by a majority of the selectmen of any town, disbursing the same, within ten days after the first day of the month next after the expenditure is made; and the commissioners of state aid shall examine the certificates thereof and allow and indorse upon the same such sums as in their judgment have been paid and reported according to this act. In the allowance of said commissioners they may consider and decide upon the necessity of the amount paid in each case, and they may allow any portion thereof which they may deem proper and lawful, but they shall allow and indorse the sums they have specifically authorized to be paid under and according to their decisions authorized and provided for by section seven. The sums legally paid as aforesaid and so allowed and indorsed by said commissioners shall be reimbursed from the treasury of the Commonwealth to the several towns and cities expending the same, on or before the first day of December in the year next after the year in which the same have been paid, but none of the expenses attending the payment of state aid shall be reimbursed.

SECTION 9. The provisions of this act shall continue in force until the first day of January in the year eighteen hundred and ninety-five and no longer, and so far as they are the same as those of existing laws shall be construed as a continuation thereof: *provided, however*, that such provisions of this act as relate to the settlement of accounts

Returns to be made to the auditor, under oath.

Allowances by the commissioners.

Provisions to be in force until Jan. 1, 1895.

for payment of aid rendered by cities and towns previous to said date, and to reimbursement therefor, shall continue in force one year and no longer after said date. No special act or resolve hereafter passed granting state aid to persons therein named, or their dependent relatives, shall continue in force after the date first named in this section unless otherwise expressly provided. But the expiration of this act shall not be held to revive any act or resolve, or any part thereof, in this act repealed.

Repeal.

SECTION 10. Chapter thirty of the Public Statutes is hereby repealed, and no aid shall be paid under it although provided for by any subsequent act or resolve. Chapters thirty-four of the acts of the year eighteen hundred and eighty-four, one hundred and seventy-three and two hundred and four of the acts of the year eighteen hundred and eighty-five, thirty-nine and one hundred and ten of the acts of the year eighteen hundred and eighty-six, and one hundred and twenty-two of the acts of the year eighteen hundred and eighty-seven, are hereby repealed.

To take effect
June 1, 1889.

SECTION 11. This act shall take effect on the first day of June in the year eighteen hundred and eighty-nine.

Approved May 3, 1889.

Chap.302 AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE
CITY OF NEWTON.

Be it enacted, etc., as follows:

Additional
water supply
for city of
Newton.

SECTION 1. The city of Newton is hereby authorized to take, hold and convey into and through said city from the Charles river or from the ground near said river, at any convenient point upon or near the same, water for the use of said city and the inhabitants thereof not exceeding five millions of gallons daily, including the one and one-half millions of gallons daily which it is now authorized to take by chapter three hundred and forty-four of the acts of eighteen hundred and seventy-two. All the provisions of said chapter three hundred and forty-four except as herein otherwise provided shall apply to the additional three and one-half millions of gallons daily so far as the same shall be taken or diverted from said river.

City to deter-
mine amount of
water daily to
be taken.

SECTION 2. Whenever said city of Newton shall desire to take water as herein provided it shall, by vote of its city council, determine what amount daily it will take of said five millions of gallons herein provided for, and it shall thereupon be lawful for said city to take only the

amount daily from said river provided for by said vote, in addition to the amount taken under the provisions of said chapter three hundred and forty-four, and any damages provided for in said act shall be determined upon the amount to be so taken by said vote. Whenever said city of Newton shall desire to take a further portion of said five millions of gallons it shall again determine as aforesaid by vote of its city council the amount in addition to be taken daily, and like proceedings may be had for damages as provided in said act; and like proceedings may be had from time to time as said city of Newton shall decide to take further portions or the whole of said five millions of gallons daily.

SECTION 3. Said city of Newton may for the purposes of taking water as aforesaid and for the protection of its water supply take and hold, by purchase or otherwise, any lands within the town of Needham necessary for that purpose. May take lands within the town of Needham.

SECTION 4. This act shall take effect upon its passage.
Approved May 3, 1889.

AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS FOR THE COUNTY OF MIDDLESEX. *Chap.303*

Be it enacted, etc., as follows:

SECTION 1. The salaries of the county commissioners for the county of Middlesex shall be fifty-four hundred dollars a year, to be so allowed from the first day of April in the year eighteen hundred and eighty-nine. Salaries established.

SECTION 2. This act shall take effect upon its passage.
Approved May 3, 1889.

AN ACT TO AUTHORIZE THE GRAFTON AND UPTON RAILROAD COMPANY TO EXTEND ITS LINE AND TO CROSS CERTAIN HIGHWAYS. *Chap.304*

Be it enacted, etc., as follows:

SECTION 1. The Grafton and Upton Railroad Company may locate, construct, maintain and operate an extension of its railroad from its present station at West Upton through the town of Hopedale to the depot grounds in Milford, in accordance with the survey made by H. P. Bean, dated December, eighteen hundred and eighty-eight, and may cross highways in accordance with the terms of the decree made by the county commissioners for Worcester county, dated January eighth, eighteen hundred and eighty-nine, and may cross at grade the way known as May extend road across certain highways.

the Shrewsbury road, at North Grafton, for the purpose of properly approaching the Boston and Albany railroad company's station, in accordance with plan made by H. P. Bean, dated February, eighteen hundred and eighty-nine : *provided, however*, that said Grafton and Upton Railroad Company shall abandon its present passenger train crossings over the Westborough road and Shrewsbury road at said North Grafton.

SECTION 2. This act shall be void unless said extension is located within one year and constructed within two years after the passage hereof.

SECTION 3. This act shall take effect upon its passage.
Approved May 3, 1889.

Chap.305 AN ACT AUTHORIZING SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO INVEST IN THE BONDS OF CERTAIN RAILROAD COMPANIES.

Be it enacted, etc., as follows :

Savings banks may invest in bonds of certain railroads.

SECTION 1. Savings banks and institutions for savings may invest 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 has earned and paid regular dividends for the two years next preceding such investment on all its issues of capital stock, notwithstanding the road of such company may be leased to some other railroad company.

SECTION 2. This act shall take effect upon its passage.
Approved May 6, 1889.

Chap.306 AN ACT TO EXEMPT CERTAIN PROPERTY OF THE FIRST BAPTIST SOCIETY IN METHUEN FROM TAXATION.

Be it enacted, etc., as follows :

Certain property to be exempt from taxation.

SECTION 1. All the property both real and personal held by the First Baptist Society in Methuen which was devised and bequeathed to said society in and by the will of Moses Webster shall be exempt from taxation.

SECTION 2. This act shall take effect upon its passage.
Approved May 6, 1889.

Chap.307 AN ACT TO ESTABLISH A GRADE IN THE CITY OF MALDEN.

Be it enacted, etc., as follows :

Grade to be established in Malden.

SECTION 1. The mayor and aldermen of the city of Malden shall establish in said city a grade of not less than

thirteen feet above the base line established and used in the city of Boston; and no person, after such grade is established, shall construct in said city any cellar or basement cellar of any building below such grade, or use or occupy any cellar or basement cellar so constructed: *provided*, that the mayor and aldermen may by license, subject to revocation at any time by them, authorize cellars to be constructed or used in buildings used exclusively for storage or business purposes so much below said grade as they shall designate in each license.

Proviso.

SECTION 2. If any person constructs or uses any cellar or basement cellar in violation of this act, said mayor and aldermen shall order the owner or occupant of such cellar or basement cellar to so alter or construct it as to conform to the requirements of this act; and if such owner or occupant fails to comply with such order within ten days after service thereof, as provided by the following section, said mayor and aldermen shall so alter such cellar or basement cellar; and all necessary expenses incurred thereby shall constitute a lien upon the land wherein such cellar or basement cellar is constructed and upon the buildings upon such land, and may be collected in the manner provided by law for the collection of taxes upon real estate; and the city treasurer, in behalf of said city, may purchase such land or land and buildings at any sale thereof for the enforcement of such lien.

Cellars and basement cellars to conform to requirements of this act.

SECTION 3. All orders under the preceding section shall be made in writing and served upon said owners or occupants, or their authorized agents, as prescribed by section twenty-two of chapter eighty of the Public Statutes for the service of orders of boards of health; and any court having equity jurisdiction or any justice thereof, in term time or vacation, may by injunction or other suitable process in equity restrain any person or corporation from constructing or using any cellar or basement cellar in violation of the provisions of this act, and may enforce such provisions, and may order and enforce the abatement or alteration of any cellar or basement cellar constructed or used in violation thereof, so that such cellars shall be in accordance with said provisions.

Orders to be served upon owners or occupants.

Enforcement by process in equity.

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

Approved May 8, 1889.

Chap. 308 AN ACT CHANGING THE TIME OF THE SITTING OF THE SUPERIOR COURT IN THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows :

Sittings of court.

SECTION 1. The sitting of the superior court in the county of Dukes County, now provided to be held on the last Tuesday in May in each year, shall hereafter be held on the last Tuesday in April in each year.

SECTION 2. This act shall take effect on the first day of June in the year eighteen hundred and eighty-nine.

Approved May 8, 1889.

Chap. 309 AN ACT FOR THE BETTER PROTECTION OF INFANTS.

Be it enacted, etc., as follows :

Penalties for abandoning an infant.

SECTION 1. Whoever abandons an infant under the age of two years, within or without any building in this Commonwealth, shall be punished by imprisonment, if a man, in the house of correction, and, if a woman, in the reformatory prison for women, not exceeding two years, or, in case death shall result from such abandonment, not exceeding five years.

Whether or not infant is illegitimate, to be ascertained.

SECTION 2. Every person who receives for board an infant under the age of one year shall use due diligence to ascertain whether or not such infant is illegitimate; and if he knows or has reason to believe it to be illegitimate, shall forthwith notify the state board of lunacy and charity of the fact of such reception; and said board and its officers or agents may enter and inspect any building where they may have reason to believe that any such illegitimate infant is boarded and remove such infant when in their judgment such removal is necessary, by reason of neglect, abuse or other cause, in order to preserve the infant's life; and such infant so removed shall be in the custody of said board of lunacy and charity, which shall make provisions therefor according to law.

Person receiving infant to give true answers.

SECTION 3. Every person who receives an infant for board as described in section two, shall, when called upon, give true answers to the state board or any of its officers as to the residence, parentage and place of settlement of said infant so far as his or her knowledge extends.

Penalties for violating provisions of sections 2 and 3.

SECTION 4. Whoever violates the provisions of section two or section three of this act shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the house of correction not exceeding one year.

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

Approved May 8, 1889.

AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE TREASURER OF THE COUNTY OF ESSEX. *Chap.310*

Be it enacted, etc., as follows :

SECTION 1. The treasurer of the county of Essex shall be allowed for clerical assistance a sum not exceeding four hundred dollars a year, to be paid out of the treasury of the county to persons who actually perform the work, upon their certificate that the work is actually performed by them. Allowance for clerical assistance.

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

Approved May 8, 1889.

AN ACT IN RELATION TO THE APPOINTMENT OF AUDITORS BY PROBATE COURTS. *Chap.311*

Be it enacted, etc., as follows :

SECTION 1. After any account of an executor, administrator, guardian, trustee or other person required by law to render an account in any probate court, has been filed therein, the judge of said court may, before approving the same, appoint one or more auditors to hear the parties interested, examine vouchers and evidence and report upon the same to the court, which report shall be prima facie evidence upon such matters as are expressly referred to them. The court shall award reasonable compensation to such auditors, to be paid by the county. Auditors may be appointed by probate courts.

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

Approved May 8, 1889.

AN ACT TO INCLUDE THE TOWN OF STONEHAM WITHIN THE JURISDICTION OF THE FOURTH DISTRICT COURT OF EASTERN MIDDLESEX. *Chap.312*

Be it enacted, etc., as follows :

The town of Stoneham shall hereafter belong to and constitute a part of the judicial district under the jurisdiction of the fourth district court of eastern Middlesex: *provided, however,* that nothing herein contained shall affect any suit or proceeding begun and pending at the time of the passage of this act. Town of Stoneham within the jurisdiction of the court. *Approved May 8, 1889.*

AN ACT TO REQUIRE NON-RESIDENT ASSIGNEES IN INSOLVENCY TO APPOINT AN AGENT RESIDENT IN THE COMMONWEALTH. *Chap.313*

Be it enacted, etc., as follows :

SECTION 1. Every assignee appointed in any proceedings instituted by or against any insolvent debtor or Non-resident assignee in insolvency to

appoint a resident agent upon whom process may be served.

debtors, pending in any court of insolvency in the Commonwealth, residing at the time of his appointment, or after his appointment removing, out of the Commonwealth shall, before entering upon or proceeding with the discharge of his duties as such assignee, appoint, by an instrument in writing, an agent residing in said Commonwealth, and in said instrument shall stipulate and agree that the service of any legal process or order of court against or addressed to him as such assignee, if made upon such agent, shall be of the same legal effect as if made upon him the said assignee personally, within the Commonwealth; and such instrument shall give the proper address of such agent and shall be filed, with the papers in the case, in the court in which said assignee was appointed, and the notice of the appointment of such assignee shall contain a statement of the appointment and of the name and proper address of such agent; and if such agent or any other agent appointed under the provisions of this section shall die or remove out of the Commonwealth, or be deprived of his powers by revocation of his appointment while such assignee continues to act under his appointment, said assignee shall forthwith appoint another agent, in manner and form as above provided for an original appointment, and shall give notice of such new appointment and of the name and proper address of such new agent in the next subsequent notice required to be given by him as such assignee, or by a special notice if the court having jurisdiction in the premises shall so order, and, as to other things, all other acts hereby required to be done in the case of an original appointment shall be done in every case of such subsequent appointment of any such agent; and neglect or refusal on the part of any such assignee to comply with any of the requirements of this section may be deemed good cause for his removal from his trust as such assignee.

Service of process upon agent to be of legal effect.

SECTION 2. Service of any legal process or order of court against or directed to any assignee, made upon any agent duly appointed and still continuing in his position as such agent under the provisions of the preceding section, shall be of the same legal effect as if made upon such assignee when in the Commonwealth.

Approved May 8, 1889.

AN ACT TO AUTHORIZE THE QUINCY STREET RAILWAY COMPANY TO LEASE ITS RAILWAY, FRANCHISES AND OTHER PROPERTY TO THE QUINCY AND BOSTON STREET RAILWAY COMPANY AND TO AUTHORIZE THE QUINCY AND BOSTON STREET RAILWAY COMPANY TO LEASE THE SAME OR ANY PART THEREOF. Chap.314

Be it enacted, etc., as follows:

SECTION 1. The Quincy Street Railway Company is hereby authorized to lease its railway, franchises and other property to the Quincy and Boston Street Railway Company, upon such terms as the directors and stockholders of the respective corporations may agree or have agreed upon. Such lease shall not cover a period of more than ninety-nine years. Quincy Street Railway Company may lease railway, etc.

SECTION 2. The Quincy and Boston Street Railway Company is authorized to lease its railway, franchises and other property or any portion thereof, as well as the whole or any part of the railway, franchises or other property of the Quincy Street Railway Company, in the event of the same being leased to the Quincy and Boston Street Railway Company, to any person or corporation upon such terms as may be agreed upon. Quincy and Boston Street Railway Company may lease franchise, etc.

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

Approved May 8, 1889.

AN ACT IN RELATION TO PROOF OF NOTICE OF APPOINTMENT, AND SALES OF REAL ESTATE BY EXECUTORS, GUARDIANS AND OTHERS. Chap.315

Be it enacted, etc., as follows:

SECTION 1. In cases when executors, administrators, guardians or trustees, or the persons employed by them to give notice of appointment, or notice of sale of real estate, have failed to file in the probate court affidavit of such notice, and such affidavit cannot be obtained, the probate court may, upon petition of any person interested in real estate the title to which may be affected thereby setting forth the particular failure complained of and averring that the affidavit cannot now be obtained, order notice by publication to creditors of, and others interested in, the estate in the settlement of which the failure complained of occurred. Proof of notice of appointment, and sales of real estate by executors, etc.

SECTION 2. Upon return of such notice and after hearing, if the court is satisfied that notice was in fact given, it may make a decree that such notice was in fact given. Court may decree that notice was in fact given.

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

Approved May 8, 1889.

Chap.316 AN ACT IN RELATION TO THE ISSUE OF MORTGAGE BONDS BY STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

Street railway companies may issue bonds secured by mortgage.

SECTION 1. A street railway company, by vote of a majority in interest of its stockholders, at a meeting called for the purpose, may authorize the issue of coupon or registered bonds secured by mortgage, to provide means for construction and equipment, and for funding so much of its floating debt as may have been incurred for construction or for the purchase of such real or personal estate as may have been necessary or convenient for the operation of its road, or to provide means for building and equipping a branch or extension, upon a location duly granted or extended, or for the contemplated purchase of such additional real and personal property as may be necessary or convenient for the operation of its railway : *provided*, that the board of railroad commissioners, after an examination of the assets and liabilities of the company and such further investigation as it deems requisite, shall by vote approve of such issue as being consistent with the public interests. The vote of approval shall specify the amount of the issue, the rate of interest, which in any case shall not exceed six per centum per annum, and the purpose to which the proceeds shall be applied ; and no such issue shall be authorized unless in the opinion of such board the value of the constructed tracks, the equipments and the other real and personal property of the company, taken at a fair value for railway purposes, and excluding the value of the franchise, equals or exceeds the amount of the capital stock outstanding and the debt. A certificate setting forth the vote of approval shall be filed in the office of the secretary of the Commonwealth before such bonds are issued. The company shall not apply the proceeds of such bonds to any purpose not specified in the vote of the board, and may be enjoined from so doing by any justice of the supreme judicial or superior courts, upon application of the board or any interested party. Such bonds shall be secured by a mortgage of a part or of the whole of the railway of such company, and its equipments, franchise and other property, real and personal. The 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 each bond shall be recorded by the treasurer in books to be kept in his office.

Subject to the approval of the railroad commissioners.

Certificate of vote of stockholders to be filed in office of the secretary of the Commonwealth.

SECTION 2. 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. No street railway corporation shall issue bonds, coupon notes or other evidences of indebtedness payable at periods of more than twelve months from the date thereof, except by a vote of its stockholders at a meeting called for that purpose.

Bond to be certified that it is properly issued, etc.

SECTION 3. The provisions of sections sixty-three to seventy, inclusive, of chapter one hundred and twelve of the Public Statutes, shall apply to street railways acting under the provisions of this act.

Provisions of P. S. 112, §§ 63-70 to apply.

SECTION 4. This act shall not apply to any street railway company that has issued preferred stock.

Not to apply to railway having issued preferred stock.
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 May 8, 1889.

AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE CLERK OF THE FIRST DISTRICT COURT OF EASTERN MIDDLESEX.

Chap. 317

Be it enacted, etc., as follows:

SECTION 1. The clerk of the first district court of eastern Middlesex shall be allowed for extra clerical assistance upon his certificate that the work was actually performed and was necessary, with the time occupied and the names of the persons by whom the work was performed, such sums not exceeding seven hundred dollars in any one year, as the county commissioners for the county of Middlesex by a writing signed by them shall approve. Said sums shall be paid from the treasury of said county monthly to the person or persons employed since the first day of December in the year eighteen hundred and eighty-eight.

Clerical assistance for the clerk.

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

Approved May 8, 1889.

AN ACT AUTHORIZING THE TRUSTEES UNDER THE WILL OF ELISHA V. ASHTON TO LEASE CERTAIN REAL ESTATE IN BOSTON.

Chap. 318

Be it enacted, etc., as follows:

SECTION 1. The trustee for the time being under the will of Elisha V. Ashton, late of Boston, deceased, for the benefit of the Howard Benevolent Society of said Boston, holding the estate described in said will as num-

Trustees may lease certain real estate in Boston.

bered two hundred and fifty-nine and two hundred and sixty-one in Washington street in said city, may, with the assent of said society, lease said estate or portions thereof upon such terms as shall be approved by the probate court for the county of Suffolk.

SECTION 2. This act shall take effect upon its passage.
Approved May 8, 1889.

Chap.319 AN ACT AUTHORIZING THE TOWN OF ROWLEY TO INDEMNIFY EDWARD H. RICHARDSON FOR DAMAGES SUSTAINED WHILE ASSISTING TO KEEP THE PEACE.

Town may indemnify Edward H. Richardson for damages and expenses.

Be it enacted, etc., as follows:

SECTION 1. The town of Rowley may appropriate and pay such sum as it shall deem necessary to indemnify Edward H. Richardson of said town for damages and expenses sustained and incurred by him while assisting, in obedience to command, Arthur Bishop, a deputy sheriff of the county of Essex, in apprehending and securing a person for breach of the peace in said town on the twenty-ninth day of December in the year eighteen hundred and eighty-eight.

SECTION 2. This act shall take effect upon its passage.
Approved May 8, 1889.

Chap.320 AN ACT TO AMEND THE CHARTER OF THE CITY OF BOSTON RELATIVE TO THE MAKING OF PAYMENTS AND INCURRING OF LIABILITIES IN ADVANCE OF THE ANNUAL APPROPRIATIONS.

May incur liabilities, etc., in advance of appropriations.

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five is hereby amended by adding thereto the following: — Except that at the beginning of the financial year, to meet the liabilities of the several departments incurred in the carrying on of the work entrusted to them, until the city government shall otherwise order, expenditures may be made, liabilities may be incurred and payments made from the treasury from any funds therein, and the treasurer may borrow money in anticipation of taxes to provide funds. Such expenditures and liabilities shall not exceed for each department, one-third the entire amount appropriated for the department the previous year, and shall be considered and reckoned as a part of the expenditures of, and the money paid therefor as a part of the appropriations for, the current financial year.

SECTION 2. This act shall take effect upon its passage.
Approved May 9, 1889.

AN ACT RELATING TO THE COMMISSIONERS OF SAVINGS BANKS.

Chap.321

Be it enacted, etc., as follows:

SECTION 1. The board of commissioners of savings banks shall consist of three commissioners appointed by the governor, with the advice and consent of the council, subject to removal in like manner, each of whom shall be sworn, and shall hold office for the term of three years, unless sooner removed. Upon the occurrence of a vacancy before the expiration of a term, an appointment shall be made for the remainder of the term. The governor shall designate a member of said board to be the chairman thereof. The annual salary of the chairman of the board shall be thirty-five hundred dollars, that of the other commissioners three thousand dollars each.

Three commissioners of savings banks to be appointed by the governor.

Salaries.

SECTION 2. Section one, and so much of section two of chapter one hundred and sixteen of the Public Statutes, and so much of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-six as is inconsistent with this act are hereby repealed.

Repeal.

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

Approved May 9, 1889.

AN ACT TO ENABLE THE CITY OF BOSTON TO EXTEND ITS IMPROVED SEWERAGE SYSTEM.

Chap.322

Be it enacted, etc., as follows:

SECTION 1. The board of aldermen of the city of Boston may continue and extend the construction of the improved sewerage system of said city and may take land therefor.

May extend sewerage system.

SECTION 2. The city of Boston, for the purpose of paying the expenses incurred under this act, may incur indebtedness, and may authorize the city treasurer of said city to issue, from time to time as may be required therefor, bonds or certificates of indebtedness to an amount not exceeding five hundred thousand dollars outside of the limit of indebtedness fixed by law for said city. Such bonds shall be payable within not exceeding thirty years from their date, and shall bear interest at a rate not exceeding four per centum per annum, to be fixed as provided by the ordinances of said city. Said treasurer shall sell such bonds or 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

May issue bonds in excess of the debt limit.

Proviso.

incurred for the purposes aforesaid: *provided, however,* that the premiums, if any, received in the sale of such bonds or certificates shall be paid over to the board of commissioners of sinking funds of said city and be placed in the sinking fund created for the payment of the loan herein authorized. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds or certificates, and to the establishment of a sinking fund for the payment thereof at maturity.

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

Approved May 9, 1889.

Chap.323 AN ACT TO AMEND AN ACT TO INCORPORATE THE GRAFTON WATER COMPANY.

Be it enacted, etc., as follows:

Real estate and
capital stock.

SECTION 1. Section six of chapter two hundred and eleven of the acts of the year eighteen hundred and eighty-six, as amended by section three of chapter ninety-five of the acts of the year eighteen hundred and eighty-seven, is hereby amended so as to read as follows: — *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 eighty 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 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.

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

Approved May 9, 1889.

Chap.324 AN ACT TO FIX THE SALARIES OF OFFICIAL STENOGRAPHERS OF THE SUPERIOR COURT FOR CIVIL BUSINESS FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Salaries
established.

SECTION 1. The salary of each of the official stenographers of the superior court for civil business for the county of Suffolk shall be twenty-five hundred dollars a

year, to be so allowed from the first day of April in the year eighteen hundred and eighty-nine.

SECTION 2. So much of section one of chapter twenty-four of the acts of the year eighteen hundred and eighty-seven as is inconsistent with this act is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved May 9, 1889.

AN ACT TO AUTHORIZE THE TOWN OF ANDOVER TO MAKE AN ADDITIONAL WATER LOAN. Chap.325

Be it enacted, etc., as follows :

SECTION 1. The town of Andover, for the purposes mentioned in section five of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-seven, may issue bonds, notes or scrip to be denominated on the face thereof, Andover Water Loan, to an amount not exceeding sixty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the same purposes ; said bonds, notes 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 Andover water loan by said town : *provided*, the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore authorized to be issued by said town for the same purposes, shall not in any event exceed the amount of one hundred and sixty thousand dollars. Town of Andover may make an additional water loan.

Proviso.

SECTION 2. This act shall take effect upon its passage.
Approved May 9, 1889.

AN ACT TO PREVENT THE FEEDING OF GARBAGE, REFUSE OR OFFAL TO MILCH COWS. Chap.326

Be it enacted, etc., as follows :

Whoever knowingly feeds or has in his possession with intent to feed to any milch cow, any garbage, refuse or offal collected by any city or town, or by any person having authority from any city or town, by contract or otherwise, shall be punished by imprisonment in the jail or house of correction not exceeding sixty days or by fine not exceeding one hundred dollars. Milch cows not to be fed with garbage or offal, under penalty.

Approved May 9, 1889.

Chap.327 AN ACT CHANGING THE TIME OF THE SITTINGS OF THE SUPERIOR COURT FOR THE COUNTY OF FRANKLIN.

Be it enacted, etc., as follows :

Sittings of the superior court in Franklin county.

SECTION 1. The superior court for the county of Franklin, now required to be held on the third Monday of March and the second Mondays of August and November, shall hereafter be held on the third Monday of April and the second Mondays of July and November in each year.

SECTION 2. This act shall take effect on the first day of September next.

Approved May 9, 1889.

Chap.328 AN ACT RELATING TO THE ANNUAL RETURNS OF RAILROAD CORPORATIONS.

Be it enacted, etc., as follows :

Annual return of doings for the year ending June 30.

SECTION 1. The directors of railroad corporations shall be required annually, on or before the first Wednesday of September, to transmit to the board of railroad commissioners a report of their doings for the year ending on the thirtieth day of June preceding, and accounts shall be closed on said thirtieth day of June in each year so that the balance sheet of that date can be taken therefrom and included in the return

Form of return.

SECTION 2. The board of railroad commissioners may change the form for the annual returns required to be made by railroad corporations, so that such form shall conform to the form for returns required by the interstate commerce commission, by giving to the corporations one month's notice of such change, and said board shall be required on or before the fifteenth day of June of each year to furnish blank forms of such returns.

Repeal.

SECTION 3. So much of section eighty-one of chapter one hundred and twelve of the Public Statutes as is inconsistent herewith is hereby repealed.

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

Approved May 10, 1889.

Chap.329 AN ACT CONCERNING THE SALARY OF THE LATE GEORGE F. GOOLD, HARBOR MASTER OF BOSTON.

Be it enacted, etc., as follows :

Salary may be paid to widow.

SECTION 1. The city of Boston is authorized to pay to the widow of George F. Goold, late captain of the police force and harbor master of said city, the salary

that would have been payable to him after filling said offices for the balance of the fiscal year ending April thirtieth, eighteen hundred and eighty-nine, and to which he would have been entitled had he lived and continued to hold such offices during said period.

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

Approved May 10, 1889.

AN ACT TO ESTABLISH THE PUBLIC LIBRARY IN THE CITY OF LAWRENCE AND TO AUTHORIZE THE ERECTION OF A BUILDING FOR THE SAME.

Chap. 330

Be it enacted, etc., as follows :

SECTION 1. The city of Lawrence may establish under the provisions of this act a public library for the free use of the inhabitants of said city.

Public library in Lawrence.

SECTION 2. The management of said library shall be vested in a board of trustees, to consist of the mayor, president of the common council, three trustees of the White fund, these five members to be members ex officio, and six citizens to be elected by the city council in joint convention by ballot. The six citizens already elected and holding office under the existing city ordinance shall continue to hold office until the expiration of the terms for which they were severally elected. Hereafter two citizens shall be elected in December of each year to hold office for the term of three years from the first Monday of January following. Elections may be held at any time to fill vacancies for the remainder of the unexpired term.

Management vested in a board of trustees.

SECTION 3. The board of trustees shall have the general care and control of the library, and of the expenditure of all moneys appropriated therefor ; they may make such rules and regulations as they deem expedient, and may appoint a librarian and such subordinate officers as they may consider necessary, define their duties and fix their compensation, provided that the total expenditure for the same shall not exceed the sum appropriated therefor.

Trustees to have general care and control of library.

SECTION 4. The said board shall report to the city council annually in the month of January, stating the condition of the library, the number of books that have been added during the past year, with an account of all the receipts and expenditures and such other information as they may deem important.

To make annual report to the city.

SECTION 5. All moneys received by the city from the county on account of dog licenses shall annually be appropriated for the increase of the library.

Moneys received for dog licenses to be applied, etc.

City may con-
tract for use of
a building.

SECTION 6. The city council are hereby authorized to make such contract as they may deem wise with the trustees of the White fund for the occupation by the city of any building which may be erected by said trustees for said library.

Subject to
acceptance.

SECTION 7. This act shall take effect upon its acceptance by the city council of the city of Lawrence.

Approved May 10, 1889.

Chap. 331

AN ACT TO INCORPORATE THE PLYMOUTH AND BOURNE RAILROAD COMPANY.

Be it enacted, etc., as follows:

Plymouth and
Bourne Rail-
road Company,
incorporated.

SECTION 1. William A. Nye, Horace B. Taylor, Isaiah T. Jones, George T. McLaughlin, George I. Briggs, Benjamin B. Abbe, Nathaniel Morton, Charles C. Doten, their associates and successors, are hereby made a corporation by the name of the Plymouth and Bourne Railroad Company, 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 railroad corporations, except as hereinafter provided.

Railroad to
connect Old Col-
ony in Plymouth
with the Cape
Cod division of
the Old Colony
in Bourne.

SECTION 2. Said corporation may locate, construct and maintain and operate a railroad with one or more tracks, commencing at some convenient point in the town of Plymouth at or near the terminus of the Old Colony Railroad Company and connecting therewith; thence through the towns of Plymouth and Bourne, in a southerly direction, to a convenient point of junction with the Cape Cod division of the Old Colony railroad in the town of Bourne. Said corporation, by the consent and with the approval of the board of mayor and aldermen of any city or the selectmen of any town through which it may intend to extend its tracks, is empowered to locate, construct, maintain and use one or more branch tracks, commencing at convenient points on the main line and extending to manufacturing and mechanical establishments, and to, upon or over wharves, piers or other like structures not more than one mile distant from the main line.

Capital stock
and shares.

SECTION 3. The capital stock of said corporation shall be not less than two hundred and fifty thousand dollars nor more than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Operation of
road.

SECTION 4. For the first ten years after the comple-

tion and opening of said Plymouth and Bourne railroad, said Plymouth and Bourne Railroad Company shall not be compelled to operate its said road during the months of December, January, February and March of each year.

SECTION 5. Said Plymouth and Bourne railroad shall cross the location of the Cape Cod Ship Canal Company by such method and at such point as the railroad company and the canal company may agree upon, and if they are unable to agree, then said road shall cross said location by the method and at the point for crossing the same by the Old Colony railroad, to be determined pursuant to the provisions of section two of chapter two hundred and twenty-two of the acts of the year eighteen hundred and eighty-seven.

Crossing the location of the Cape Cod Ship Canal Company.

SECTION 6. Said Plymouth and Bourne railroad shall be located within three years, and constructed within five years after the passage of this act.

Location and construction.

SECTION 7. This act shall take effect upon its passage.

Approved May 10, 1889.

AN ACT TO AUTHORIZE THE CITY OF HAVERHILL TO FILL AND GRADE THE LANDING NEAR WASHINGTON SQUARE.

Chap. 332

Be it enacted, etc., as follows:

SECTION 1. The city of Haverhill may construct a stone wall upon the southerly side of the landing near Washington square and between said square and the Merrimac river in said city of Haverhill. Said wall shall be along the course of the harbor line as established by the board of harbor and land commissioners, and shall be erected and maintained to the height of the present stone wall along the harbor line and next westerly of said landing; except that forty feet in width of the wall authorized by this act may be four feet above mean high water mark. And the said city of Haverhill may change the present grade of said landing by filling and grading to the level of the top of said wall when it shall have been erected.

City of Haverhill may fill and grade the landing near Washington square.

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

Approved May 10, 1889.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF GREENFIELD.

Chap. 333

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the annual town meeting of the town of Greenfield held on the fourth day of

Proceedings confirmed.

March in the year eighteen hundred and eighty-nine shall not be invalid by reason of any error or omission in the warrant calling said meeting.

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

Approved May 10, 1889.

Chap. 334 AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-EIGHT RELATING TO THE COLLECTION OF TAXES.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is hereby repealed, and the following substituted therefor:— *Section 2.* The collector shall, as soon as possible after receiving any tax list and warrant, send a notice to each person assessed, resident and non-resident, of the amount of his tax; and such notice, if sent through the mail, shall be postpaid and directed to the city or town which was the place of residence of such person on the first day of May of the year in which the tax was assessed, and if sent to a resident of the city in which the tax is assessed, shall be directed to the street and number of his residence, if possible. If the person is assessed for a poll tax only, the notice shall be sent on or before the second day of September of the year in which the tax is assessed. An omission to send the notice herein required shall not invalidate a tax or proceedings for the collection or enforcement of the same.

Collector to notify person of amount of tax. 1888, 390, § 2, repealed.

SECTION 2. Section three of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows:— *Section 3.* Every collector shall make and keep, in the book committed to him by the assessors containing the tax list, against the name of every person or corporation assessed for a tax, entries showing the disposition thereof, whether re-assessed, abated, or paid, and the date of such disposition.

To enter in book disposition of each tax assessed.

Repeal.

SECTION 3. Sections twenty-nine and forty-one of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight are repealed; and section seven of said chapter is amended to read as follows:— *Section 7.* The collector shall, unless removed from office, as hereinafter provided, or unless his tax list has been transferred to his successor, as provided by law,

To complete collection of taxes although term of office expires.

complete the collection of taxes committed to him, although his term of office expires before such completion. He shall be allowed the following charges and fees, and no other, which shall be severally added to the amount of the tax after they have accrued, to wit :—

For arrest by collector or other officer, one dollar. Fees.

For a warrant to distrain or arrest, fifty cents.

For a copy of warrant and certificate (section fifteen), one dollar.

For preparing advertisement of sale, fifty cents.

For advertisement of sale in newspapers, the cost thereof.

For posting notices of sale (for each piece of real estate or lot of goods distrained), fifty cents.

For distraining goods, one dollar and the cost thereof.

For selling goods distrained, the cost thereof.

For obtaining affidavit of disinterested person, one dollar.

For recording affidavit, the register's fees.

For preparing deed, one dollar.

SECTION 4. Section eight of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows :—*Section 8.* Collectors shall, before selling the real estate of a resident owner, or distraining the goods of any person assessed, or arresting him for his tax, make a demand for the payment thereof, either by causing to be given, or to be sent post-paid through the mail, directed as provided for the direction of notices in section two of this act, to the person assessed for a tax, or if the heirs of a deceased person, or a firm or more than one person are assessed, then to one of such heirs, or members of a firm, or owners only, a statement of the amount thereof, with a demand for its payment. Such demand for the tax on real estate shall be given, or be sent directed as hereinbefore provided, to the person or one of the persons as aforesaid, if a resident of the city or town, or to the person occupying the real estate on the first day of May of the year in which the tax is assessed; if a mortgagee of real estate has given a notice as provided in section thirty-two, such demand shall be given, or be sent directed as hereinbefore provided, to the mortgagee instead of to the owner or occupant; if a mortgagee or owner of real estate has given an authority to a resident attorney to pay the tax with notice thereof,

To make demand before selling or distraining.

as provided in section thirty-three, the demand shall be given, or be sent directed as hereinbefore provided, to such attorney instead of to a mortgagee, owner or occupant. No demand need be made of a non-resident owner of real estate, nor, except as herein provided, need any demand be made of a mortgagee or of an attorney.

No demand upon non-resident owner of real estate.

SECTION 5. Section nineteen of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows:— *Section 19.*

When committing a person to prison to give certificate to keeper.

When the collector commits a person to prison he shall give the keeper thereof a certificate signed by him, setting forth that he has committed the person for non-payment of his tax, for fourteen days after demand therefor, and for want of goods and chattels whereof to make distress, and also setting forth the amount said person is to pay for said tax and interest, and charges and fees.

SECTION 6. Section twenty-three of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows:—

May issue warrant to sheriff, etc., in fourteen days after demand.

Section 23. When a tax assessed upon a person remains unpaid for fourteen days after demand therefor, the collector may issue his warrant to the sheriffs of the several counties, or their deputies, or to any constable of, or deputy collector of taxes for, the city or town for which he is the collector, directing them and each of them to distrain the property or take the body of the person assessed for the tax, and to proceed therein in like manner as required of collectors in like cases. The warrant shall run throughout the state, and any officer to whom it is directed may serve it, and apprehend the person in any county.

Warrant to run throughout the state.

SECTION 7. Section twenty-four of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows:— *Section 24.*

Collector may proceed in his own name when tax remains unpaid for three months.

When a tax assessed, or re-assessed, upon a person either for real or personal estate, or both, remains unpaid for three months after it is committed to the collector, the collector may, in his own name, sue or otherwise proceed in court against the person assessed, to collect the tax, in like manner as to collect a debt due him from such person.

Repeal.

SECTION 8. Section twenty-eight of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight, requiring a summons and providing for a charge to be made therefor, is repealed.

SECTION 9. Section thirty of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows: — *Section 30.* Taxes assessed on real estate, including taxes assessed under sections fourteen, fifteen and sixteen of chapter eleven of the Public Statutes, shall constitute a lien thereon from the first day of May until the expiration of two years from the first day of October of the year in which said taxes are assessed. If such tax remains unpaid for fourteen days after demand therefor, it may with all incidental charges and fees be levied by sale of the real estate within said two years, or after the expiration of said two years, if the estate has not been alienated prior to the giving of the notice of such sale.

Lien for taxes.

Levy upon real estate.

SECTION 10. Section thirty-two of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows: — *Section 32.* If a mortgagee of real estate, situated in the place of his residence, previously to the first day of September of the year in which the tax is assessed, gives written notice to the collector of such place that he holds a mortgage on real estate with a description of the estate, the demand of payment for the tax shall be made of the mortgagee instead of the owner.

When demand is to be made of mortgagee instead of owner.

SECTION 11. Section thirty-three of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows: — *Section 33.* If a mortgagee or owner of real estate gives a written authority to some inhabitant of the place, as his attorney, to pay the taxes imposed on such estate, and likewise gives to the collector previously to the first day of September of the year in which a tax is assessed, written notice that such authority has been given, the demand of payment for the tax shall be made of such attorney, instead of the owner, and instead of the mortgagee, as provided in section thirty-two.

When demand is to be made of attorney.

SECTION 12. Section thirty-seven of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows: — *Section 37.* The collector shall, three weeks before the sale, post a notice, similar to that required by the two preceding sections, on the premises by him advertised to be sold, if any part thereof is bounded by a street, lane, court or highway.

Collector to post notice three weeks before a sale.

Sale to be void if purchaser fails to pay within twenty days.

SECTION 13. Section forty-nine of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows: — *Section 49.* If after the sale of real estate for the payment of taxes a purchaser thereof fails to pay the collector within twenty days the full sum offered by him and to receive his deed, the sale shall be null and void, and the city or town shall be deemed to be the purchaser of the estate, according to the provisions of the preceding section.

Custody of deeds to cities and towns.

SECTION 14. Section fifty-one of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is amended to read as follows: — *Section 51.* Deeds to a city shall be placed in the custody of its collector, and to a town shall be placed in the custody of its treasurer, and to said collector or treasurer all applications for the redemption of the estates described in said deeds shall be made. And the several cities and towns may, as holders of such estates, exercise the same rights and perform the same duties as any individual purchaser of real estate taken for taxes, and may make regulations for the custody, management and sale of such estates, and for the assignment of the tax titles thus obtained, not inconsistent with law or with the right to redeem the same.

Amendment to 1885, 290, §§ 69, 72.

SECTION 15. Sections sixty-nine and seventy-two of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight are amended by striking out the words “with the approval of the assessors,” wherever they occur in each of said sections.

SECTION 16. Forms “No. 5,” “No. 6,” and “No. 7,” in the schedule of forms at the end of said chapter three hundred and ninety, are stricken out and the following inserted in place thereof: —

Forms.

NO. 5.—FORM OF CERTIFICATE REQUIRED BY SECTION 19 TO BE GIVEN BY A COLLECTOR WHEN A COMMITMENT IS MADE BY HIM.
 , 18 .

I hereby certify that the tax assessed in the _____ of _____ as of the first day of May in the year _____ upon _____ remains unpaid for fourteen days after demand therefor made by me: and that for want of goods and chattels whereof to make distress, I commit the said person to prison.

I also certify that the amount the said person is to pay for said tax and interest, and charges and fees, is _____ dollars.

C D,

Collector of Taxes for the _____ of _____ .

No. 6. — FORM OF COLLECTOR'S WARRANT TO DISTRAIN OR COMMIT UNDER SECTION 23. Forms.

COMMONWEALTH OF MASSACHUSETTS.

To the *Sheriffs of our several Counties, or their Deputies, or to any Constable of or Deputy Collector of Taxes for the* of
in the County of

GREETING:

WHEREAS, a resident of in the County of, was duly assessed as of the first day of May in the year eighteen hundred and, by the Assessors of the of a tax in the sum of dollars; and the same now after the expiration of fourteen days from the date of a demand made upon him by me in accordance with law for the payment of the same, remains unpaid; Therefore,

In the name of the Commonwealth of Massachusetts, you and each of you, are required and directed to distrain the goods or chattels of the said person so assessed sufficient to satisfy and pay the amount due for such tax and interest, and all fees and charges of keeping and selling the same, saving and excepting the tools or implements necessary for the trade or occupation of the said person so assessed, beasts of the plow necessary for the cultivation of his improved land; military arms; utensils for housekeeping necessary for upholding life; and bedding and apparel necessary for the said person so assessed and his family. And the goods and chattels so distrained by you, you are required to keep at the cost and charge of the owner, and within seven days after the seizure to sell the same at public auction, for the payment of the said amount due; having first posted up a notice of the sale in some public place in the town or city where found, forty-eight hours at least before the sale: *provided, however,* that you may, if you shall see fit, once adjourn said sale for a time not exceeding three days, in which case you shall forthwith post up a notice of such adjournment and of the time and place of sale. And if said distress shall be sold for more than the said amount due, you shall return the surplus to the owner of such goods or chattels upon demand, with an account in writing of the sale and charges. And if you cannot find sufficient goods and chattels belonging to the person assessed, whereon to make distress, you shall take the body of the said person and him commit to one of the common jails in the county in which you shall arrest him, there to remain until he shall pay said tax, and interest, and charges, and fees, or until he shall be discharged therefrom by due course of law.

And in case you shall commit said person so assessed to prison by virtue of this Warrant, you are required to give the keeper of the prison wherein he may be committed an attested copy of this Warrant, with a certificate thereon under your hand, setting forth that for want of goods and chattels of the said person whereof to make distress, you have taken his body and committed him to prison as aforesaid; and also setting forth the amount said person is to pay as his tax and interest, and fees and charges.

Hereof fail not, and make return of this Warrant with your doings thereon, within sixty days from the date hereof.

Given under my hand and seal this day of 18 .

C D, [SEAL.]

Collector of Taxes for the of .

Forms.

NO. 7. — FORM OF CERTIFICATE REQUIRED BY SECTION 23 TO BE
ENDORSED ON COPY OF WARRANT IN CASE OF COMMITMENT.

I hereby certify that, by virtue of the warrant, of which the within
is a true copy, for want of goods and chattels whereof to make dis-
tress, I have taken the body of the within named _____ and
committed him to prison, and that the amount which he is to pay as
his tax and interest, and fees and charge is _____ dollars.

Deputy Collector of Taxes for the _____ of _____, 18____.

Repeal or
alteration by
this act not to
affect any act
done, etc.

SECTION 17. The repeal or alteration by this act of
any provisions of law shall not affect any act done, liabil-
ity incurred or any right accrued and established or suit
or proceeding to enforce such right or liability under the
authority of the laws hereby repealed or altered.

SECTION 18. This act shall take effect upon its pas-
sage.

Approved May 14, 1889.

Chap. 335 AN ACT TO INCORPORATE THE PROPRIETORS OF THE NEW MATTAKESSETT CREEKS.

Be it enacted, etc., as follows:

Proprietors of
the New Matta-
kessett Creeks,
incorporated.

SECTION 1. Charles F. Dunham, Samuel Pent, Cornelius Ripley, John L. Mayhew, Watson C. Clark, Oliver M. Vincent, Ralph Cleveland, Isaac D. Pease, Henry Smith, Benjamin G. Collins, Clarence H. Collins, Thomas Smith, Walter S. Osborn, Caleb H. Hobart, Tristram Cleveland, Charles Vincent, Arthur C. Vincent, George G. Cleveland, William G. Vincent, Benjamin W. Pease, David B. Pease, Charles M. Pease, Joseph Gray, George A. Smith, Elisha M. Smith, Elijah B. Vincent, Allen P. Stewart, Alfred Stewart, Seth Vincent, Oliver D. Waight, Grafton H. Smith, Charles G. W. Dunham, William F. Jernegan, Alexander Jernegan, Thomas E. Norton, Frank B. Hobart, Charles Mayhew, Richard E. Norton, Henry M. Cleveland, Lyman S. Smith, William B. Ripley, Samuel P. Huxford, Ira Darrow, Hugh S. Vincent, Allen R. Norton, Thomas F. Baylies, Leander Mayhew, Frank W. Pent, Charles H. Marchant, Elmer E. Norton, William E. Marchant, George F. Butler, J. Allen Hudson, Henry J. Cleveland, Edward C. Luce, Asa L. Cleveland, Chester E. Pease, Thomas A. Dexter, James Matchett, John R. Forman, Jeremiah S. Weeks, Charles Earle, Rodolphus H. Morgan, Elishu M. Bunker, Alonzo Ripley, William Kelley, Charles B. Osborn, Henry Dunham, Andrew B. Fuller, Jr., George C. Fisher, David S.

Beetle, George M. Cleveland, Edgar F. Rogers, Daniel T. Webquish, Samuel P. Ripley, Melatiah Mayhew, Lemuel P. Bunker, Thomas J. Dunham, Sylvanus E. Norton, Charles H. Norton, Holmes C. Fisher, Enoch C. Cornell, Eliot H. Norton, Tristram E. Butler, Frank H. Marchant, Jonathan H. Munroe, Allen Norton, George Ripley, John Pease, Charles T. Foster, Charles W. Vincent, John P. Vincent, Hiram J. Cleveland, Owen W. Norton, Christopher R. Beetle, Charles W. Pease, Edwin R. Marchant, Cyrus Vincent, Caleb Vincent, Jophanus H. Smith, Edward T. Vincent, and Samuel Keniston, their associates and successors, are hereby made a corporation by the name of the Proprietors of the New Mattakessett Creeks, in the town of Edgartown, for the purpose of constructing, maintaining and operating a herring, alewife and other fishery, and for the better improvement of the meadows and other lands lying around the Great pond in said Edgartown, by means of a creek, water passage or canal, to be located and dug and constructed from said Great pond to Katama bay or some other part of the harbor of Edgartown, with the privilege of using for said purposes the waters of the said Great pond, subject to all general corporation laws which now are or hereafter may be in force relating to such corporations, and shall have all the powers and privileges and be subject to all the liabilities and restrictions set forth in chapter one hundred and five of the Public Statutes, except as herein provided.

For maintaining
a herring and
other fishery.

May construct
a canal.

SECTION 2. The first meeting of said corporation may be called by any number of members thereof, not less than ten, who shall cause a notice signed by them to be posted in some conspicuous public place or places in said Edgartown, fourteen days at least before the time appointed for holding said meeting, specifying therein the time, place and purposes thereof. A majority of the members of the corporation so assembled shall have full power to agree upon the manner of calling meetings thereafter and to make by-laws relating to any or all of the matters contemplated by section five of chapter one hundred and five of the Public Statutes, and all other rules and regulations necessary for the good government of said corporation, and not inconsistent with the laws of the Commonwealth.

First meeting of
the corporation.

SECTION 3. No person or persons shall, without per-

Seine, etc., not
to be drawn

near mouth of creeks without consent of a majority of members of corporation.

mission first obtained of a majority of the members of said corporation present at a meeting called for that purpose, set, draw or stretch any seine or drag-net, or set up any weirs, or make use of any other fishing engine in any part of said creeks, or at or near the mouth of said creeks, or take any herrings, alewives or other fish that pass up or down said creek or creeks while in the same, on penalty of one dollar for each fish so taken and the forfeiture of said seines or other apparatus used for said purposes in said creek or creeks; excepting only the rights of those persons now holding a lease of said Great pond, under the conditions of said lease and during its present term; but nothing in this act shall be construed to prevent any person or persons from fishing in the waters of said Great pond, and from a reasonable way to pass over or cross the land of said Proprietors of the New Mattakessett Creeks to said Great pond for the purpose of fishing or gunning. The said penalty may be recovered in an action of contract before any court competent to try the same, one-half thereof to go to the person who shall bring suit and the other half to the said corporation; and the proceedings for forfeiture shall be the same as those provided in section two of chapter four hundred and forty-eight of the acts of the year eighteen hundred and eighty-seven.

Penalty.

Commissioners to regulate draining of water.

SECTION 4. Commissioners who are now serving, or who may hereafter be appointed to regulate the draining of the water off from the low grounds and meadows aforesaid, shall be disinterested persons, and upon and after the construction of said creek or canal shall so drain the waters of said pond by means of said creek or canal leading from said Great pond to Katama bay, so called, or some other part of Edgartown harbor, and in no other way. If by any order or procedure of said commissioners the said proprietors should dig their creek to a greater depth for the benefit of said low grounds or meadows, the commissioners shall consider the benefit or loss to all interested parties arising from such procedure or acts thereunder, and shall assess said benefit or loss between the said creek proprietors and the owners of said low lands and meadows. The amount of said damage to each or any interested party may be recovered in an action of contract.

Damages.

May take land.

SECTION 5. Said corporation, for the purpose of con-

structing or maintaining said canal or creek, may take the land of any person or corporation, and shall pay all damages occasioned by any such taking; and such damages shall, upon the application of either party, be estimated and recovered in the manner provided in relation to land taken for highways.

SECTION 6. Said corporation is authorized to levy assessments upon its members for the payment of land damages and other necessary expenses. Assessments for payment of land damages.

SECTION 7. Said corporation shall have authority to purchase and hold such real and personal property as may be necessary or convenient for the purposes named, and the members thereof shall be entitled to shares therein as provided by the articles of agreement signed by the subscribers therefor, which shall be made a part of the records of said corporation. Real and personal property.

SECTION 8. All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed. Repeal.

SECTION 9. This act shall take effect upon its passage.

Approved May 14, 1889.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE LAND FOR THE USES OF THE CITY HOSPITAL OF SAID CITY.

Chap. 336

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, for the uses and purposes of the city hospital of said city, and for other purposes connected with said hospital, may, through the agency of the board of street commissioners of said city, take from time to time any part or parts of that lot or tract of land in said Boston bounded northwest by Harrison avenue, northeast by East Concord street, southeast by Albany street and southwest by East Chester park, including any land used for public or private streets, ways or courts, within said bounds. May take land for uses of the city hospital.

SECTION 2. The said board of street commissioners shall, within sixty days from the time of taking any lands for the purposes of this act, cause to be recorded in the registry of deeds for the county of Suffolk a description of the lands so taken as certain as is required in an ordinary conveyance of land, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of said board. Commissioners to cause to be recorded in the registry of deeds a description of lands taken.

SECTION 3. The city of Boston shall pay all damages for injuries to property sustained by any person whose Payment of damages.

Amount of damages may be determined by a jury.

property is taken under authority of this act; and if the said board and the person whose property is taken cannot agree upon the amount of damages, a jury of the superior court may be had to determine the same in the same manner as a jury is had and damages are determined when parties are dissatisfied with an estimate of damages sustained by any person by the laying out of a highway in said city.

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

Approved May 14, 1889.

Chap.337 AN ACT RELATIVE TO THE REGISTRATION OF VOTERS AND THE APPOINTMENT OF ASSISTANT REGISTRARS OF VOTERS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Registrars of voters in Boston to publicly post lists of registered voters.

SECTION 1. The registrars of voters in the city of Boston shall, from time to time previous to the annual state and municipal elections, cause to be publicly posted, or otherwise submitted to public inspection in or near their central office, all names which shall be added to the lists of registered voters now required to be posted in accordance with section six of chapter sixty of the acts of the year eighteen hundred and seventy-four and acts in amendment thereof, or in accordance with chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four. Such additional names shall be divided according to precincts and arranged in alphabetical order, and every such name shall be thus posted, or otherwise submitted to public inspection, within forty-eight hours after its registration. The said registrars shall in like manner cause to be posted, or otherwise submitted to public inspection in some convenient place in each ward in said city, the names of the voters so subsequently added to the lists of registered voters in such ward. In case however the city council of said city shall authorize the said registrars to publish such additional names from time to time, arranged as above provided, in some one newspaper in said city, then said registrars may make such publication in lieu of posting, or otherwise submitting the same to public inspection, as above required.

Appointment of assistant registrars.

SECTION 2. Section four of chapter sixty of the acts of the year eighteen hundred and seventy-four, relating to the appointment of assistant registrars of voters in the

city of Boston, is amended by striking out the word “two” in the fourth line, and inserting in place thereof the word:—four,—also by striking out the words “for the remainder of the municipal year” in the sixth and seventh lines, and inserting in place thereof the words:—for one year from the respective dates of their appointment,—so that as amended the section shall read as follows:—*Section 4.* The registrars shall annually between the first day of May and the first day of October appoint assistant registrars of voters, inhabitants of said city, not exceeding four for each ward, who shall be sworn by one of the registrars to the faithful discharge of their duties, and shall hold office for one year from the respective dates of their appointment, unless sooner discharged by the registrars. They shall receive such compensation as the city council may from time to time determine; but such compensation shall not be regulated by the number of names registered on any list of voters.

SECTION 3. Section ten of chapter sixty of the acts of the year eighteen hundred and seventy-four is amended by striking out the word “and” in the fourth line thereof, and by inserting after the word “militia”, in the same line, the words:—assistant assessors of taxes and other persons holding office under appointment made by appointed officers or heads of departments of said city,—so that the section as amended shall read as follows:—*Section 10.* No person who holds an office by election or appointment under the government of the United States, of the Commonwealth, or of the city of Boston, except justices of the peace, officers of the militia, assistant assessors of taxes, and other persons holding office under appointment made by appointed officers or heads of departments of said city, shall be appointed registrar or assistant registrar; and the appointment or election of a registrar or assistant registrar to any such office and his acceptance thereof, shall be deemed to be a resignation of his office of registrar or assistant registrar.

SECTION 4. The registrars of voters of the city of Boston shall, in appointing or designating assistant registrars to hold evening sessions in the various wards of said city previous to the annual and municipal elections, so far as possible, appoint or designate for each ward assistant registrars of different political parties.

Certain officers may not be appointed registrars or assistant registrars.

Assistant registrars designated to hold evening sessions, to be of different political parties.

Approved May 14, 1889.

Chap.338 AN ACT TO AUTHORIZE THE WOONSOCKET STREET RAILWAY COMPANY OF WOONSOCKET, IN THE STATE OF RHODE ISLAND, TO EXTEND ITS TRACKS ACROSS THE STATE LINE INTO THE TOWN OF BLACKSTONE.

Be it enacted, etc., as follows:

Woonsocket Street Railway Company of Woonsocket, Rhode Island, may extend tracks across the state line into Blackstone.

SECTION 1. The Woonsocket Street Railway Company of Woonsocket in the state of Rhode Island, is hereby authorized to extend its street railway tracks across the state line into the town of Blackstone in this Commonwealth, with power to construct, maintain and operate a street railway with a convenient single track and turnouts upon and over such of the streets of said town of Blackstone as shall be from time to time fixed and determined by the selectmen of said Blackstone upon the petition in writing of said Woonsocket Street Railway Company filed with the town clerk of said town; and all tracks of said railway company shall be laid at such distance from the sidewalks in said town as the selectmen shall, in their orders fixing the route of said railway, determine: *provided*, that this act shall not take effect until the selectmen of said town of Blackstone shall, by their vote, have assented thereto; and *provided*, that at any time after the expiration of one year from the opening for use of said railway or any part thereof in any highway in said Blackstone in which the same may be located as hereinbefore provided, the selectmen of said town may by vote determine that the said tracks or any part thereof be discontinued, and thereupon the location shall be deemed revoked, and such portion of the tracks and rails of said company as are thus ordered discontinued shall forthwith be taken up and removed by said railway company. If the same are not taken up and removed within thirty days after such vote shall have been passed by said selectmen, they shall be removed by the commissioner of highways of said town, and the said streets or highways shall be repaired by him, and said railway company shall be liable to and shall pay the expense so incurred by said commissioner of highways; and the same may be sued for and recovered in an action of contract in the name of the town treasurer, to and for the use of said town.

Provisos.

Subject to regulations made by the selectmen of Blackstone.

SECTION 2. The selectmen of said town shall have power at all times to make such regulations as to the rate of speed on and mode of use of the tracks within the

limits of said town as the public convenience and safety may require.

SECTION 3. Said Woonsocket Street Railway Company shall put all streets and highways over or through which they shall lay any tracks in as good condition as they were before the same were laid, and they shall keep and maintain in repair such portions of the streets and highways as shall be occupied by their tracks, and shall be liable for any loss or injury that any person shall sustain by reason of any carelessness, neglect or misconduct of its agents and servants in the management, construction or use of said tracks or streets. In case any damage shall be recovered against said town by reason of any such misconduct, defect or want of repair, said Woonsocket Street Railway Company shall be liable to pay to said town any sum thus recovered against it, together with all costs and reasonable expenditures incurred by said town in the defence of any such suit or suits in which recovery may be had; and said company shall not encumber any portion of the streets or highways not occupied by its tracks.

To put streets and highways in good condition.

Damages.

SECTION 4. If said Woonsocket Street Railway Company, or its agents or servants, shall wilfully or maliciously obstruct any street or highway, or the passing of any carriages over the same, said company shall be liable to a fine not exceeding one hundred dollars.

Penalty on railway for wilfully obstructing streets.

SECTION 5. The said road shall be constructed and maintained in such form and manner and upon such grade as the selectmen of said town of Blackstone may, in their vote fixing and determining the route thereof as aforesaid, prescribe and direct.

Grade, etc., to be prescribed by the selectmen.

SECTION 6. Nothing in this act shall be construed to prevent the selectmen of said town from entering upon and taking up any of the public streets and bridges traversed by said railway for any purpose for which they may now lawfully take up the same.

Not to prevent selectmen from taking up streets and bridges traversed by railway.

SECTION 7. Said Woonsocket Street Railway Company shall be subject to all general laws which now are or hereafter may be in force relating to street railways.

Subject to general laws.

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

Approved May 14, 1889.

Chap.339 AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS FOR THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows :

Salaries
established.

SECTION 1. The salaries of the county commissioners for the county of Bristol shall be twenty-eight hundred dollars a year, to be so allowed from the first day of April in the year eighteen hundred and eighty-nine.

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

Approved May 14, 1889.

Chap.340 AN ACT TO AUTHORIZE THE TRUSTEES OF THE TAUNTON LUNATIC HOSPITAL TO SELL CERTAIN REAL ESTATE.

Be it enacted, etc., as follows :

Trustees may
sell certain
real estate
in Taunton.

The trustees of the state lunatic hospital at Taunton are hereby authorized and empowered to sell and convey in fee simple and free from all trusts the lands now held by them as trustees as aforesaid which were conveyed to them as said trustees by Lydia R. Matteson, on the nineteenth day of May in the year eighteen hundred and eighty-five, and by Abby S. Wheelwright, on the seventeenth day of April in the year eighteen hundred and seventy-one, and such portions of the lands conveyed to said trustees by Emeline Strange and Elias Strange, on the fifth day of June in the year eighteen hundred and eighty-two, and by Emerson C. Strange, on the twenty-first day of May in the year eighteen hundred and eighty-six, as lie on the northerly side of Danforth street in Taunton; with all buildings thereon, excepting such portions thereof as have been taken and used for the laying out and construction of a highway in said Taunton; and said trustees may execute a deed or deeds, signed by not less than three-fourths of their number, for the full and effectual conveyance of said lands hereby authorized to be sold, and in one or more lots as may seem to them best. Any sums of money received from such sale or sales shall be paid into the treasury of the Commonwealth.

Approved May 14, 1889.

Chap.341 AN ACT TO AUTHORIZE THE TOWN OF WELLESLEY TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

Town of Wel-
lesley may make

SECTION 1. The town of Wellesley, for the purposes mentioned in section five of chapter one hundred and

sixty-six of the acts of the year eighteen hundred and eighty-three, may issue bonds, notes or scrip, to be denominated on the face thereof, Wellesley Water Loan, to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said bonds, notes 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 Wellesley water loan by said town: *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 seventy-five thousand dollars.

an additional
water loan.

Whole amount
not to exceed
\$275,000.

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

Approved May 14, 1889.

AN ACT RELATING TO INVESTMENTS OF SAFE DEPOSIT, LOAN AND TRUST COMPANIES.

Chap. 342

Be it enacted, etc., as follows:

SECTION 1. No incorporated safe deposit, loan or trust company shall advance money or credits upon notes secured by deed of trust or by mortgage upon farms or agricultural or unimproved lands situated outside of this Commonwealth, except said lands be in the New England states or the state of New York, nor invest in or make loans upon the bonds or other securities of any company negotiating or dealing in such notes so secured or in such mortgages. Any such safe deposit, loan or trust company which now has any of its funds so invested shall dispose of said investments on or before the thirty-first day of December in the year eighteen hundred and eighty-nine.

Investments of
safe deposit,
loan and trust
companies.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and eighty-nine.

To take effect
July 1, 1889.

Approved May 15, 1889.

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. 343

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

Appropriations.

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: —

Register of probate, etc., for Bristol county.

For clerical assistance in the office of the register of probate and insolvency for the county of Bristol, a sum not exceeding four hundred dollars, as authorized by chapter one hundred and thirty-six of the acts of the present year.

Journals of senate and house.

For printing and binding extra copies of the journals of the senate and house of representatives, a sum not exceeding one thousand dollars, as authorized by chapter one hundred and fifty of the acts of the present year.

Secretary of civil service commission.

For the salary of the secretary of the civil service commission, the sum of five hundred dollars, as authorized by chapter one hundred and seventy-seven 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.

Register of probate, etc., for Worcester county.

For clerical assistance in the office of the register of probate and insolvency for the county of Worcester, a sum not exceeding five hundred and fifty dollars, as authorized by chapter two hundred and nine of the acts of the present year, being in addition to the amounts heretofore appropriated.

Judge of probate, etc., for Bristol county.

For the salary of the judge of probate and insolvency for the county of Bristol, the sum of four hundred and sixteen dollars and sixty-seven cents, as authorized by chapter two hundred and eleven of the acts of the present year, being in addition to the two thousand dollars appropriated by chapter seven of the acts of the present year.

Speedier publication of the laws.

For expenses in connection with the act to provide for the further and speedier publication of the laws, as provided for in chapter two hundred and twelve of the acts of the present year, a sum not exceeding five hundred dollars.

Suffolk savings bank.

For the Suffolk savings bank, in accordance with a decree of the supreme judicial court for refund of a tax illegally exacted by the tax commissioner, including interest and costs, a sum not exceeding one hundred and seventy-five dollars.

Hospital cottages for children.

For the purchase of land and the erection of buildings for the hospital cottages for children in Baldwinsville, a sum not exceeding fifty-five thousand dollars, as authorized by chapter two hundred and thirty of the acts of the present year.

For the salary of the clerk of the district attorney for Suffolk district, the sum of five hundred dollars, as authorized by chapter two hundred and thirty-eight of the acts of the present year, being in addition to the twelve hundred dollars appropriated by chapter seven of the acts of the present year.

Clerk of district attorney for Suffolk district.

For the salary of the district attorney for the middle district, the sum of two hundred and fifty dollars, as authorized by chapter two hundred and fifty of the acts of the present year, being in addition to the twenty-one hundred dollars appropriated by chapter seven of the acts of the present year.

District attorney for middle district.

For the salary of the judge of probate and insolvency for the county of Middlesex, the sum of five hundred dollars, as authorized by chapter two hundred and fifty-one of the acts of the present year, being in addition to the thirty-five hundred dollars appropriated by chapter seven of the acts of the present year.

Judge of probate, etc., for Middlesex county.

For printing and binding the remaining copies of the decennial census, as authorized by chapter thirty-eight of the resolves of the year eighteen hundred and eighty-five, a sum not exceeding nineteen thousand five hundred dollars.

Printing and binding decennial census.

For the salary and expenses of the fire marshal of the city of Boston, the sum of eight thousand eight hundred and sixty-two dollars and forty-five 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.

Fire marshal of the city of Boston.

For expenses in connection with taking evidence given at inquests on deaths by accidents upon steam and street railroads, a sum not exceeding two thousand dollars, as provided for in chapter three hundred and sixty-five of the acts of the year eighteen hundred and eighty-eight and chapter one hundred and fifty-four of the acts of the present year.

Inquests on deaths by accidents upon railroads.

For arranging and indexing the probate records of the county of Hampshire, a sum not exceeding four hundred and fifty dollars, as authorized by chapter two hundred and sixty-two of the acts of the present year.

Probate records of Hampshire county.

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

Expenses of committees.

thousand dollars, being in addition to the fifteen thousand dollars appropriated by chapter three of the acts of the present year.

Plans for
enlargement of
the state house.

To enable the governor and council to procure and report a perfected plan for the better accommodation of the state government, also reliable estimates of the cost of construction of a building in accordance with said plan, a sum not exceeding twenty-five hundred dollars, as authorized by chapter thirty-eight of the resolves of the present year.

Samuel Hillman.

For Samuel Hillman, the sum of two hundred dollars, as authorized by chapter thirty-nine of the resolves of the present year.

David J. Lantz.

For David J. Lantz, the sum of two hundred and fifty-nine dollars and seventy-one cents, as authorized by chapter forty of the resolves of the present year, which sum is payable from the bounty loan sinking fund.

Lyman school
for boys.

For the purchase of land and for repairs to the buildings on the same at the Lyman school for boys, a sum not exceeding ten thousand dollars, as authorized by chapter forty-two of the resolves of the present year.

Taunton lunatic
hospital.

For certain changes and improvements at the Taunton lunatic hospital, a sum not exceeding sixteen thousand dollars, as authorized by chapter forty-three of the resolves of the present year.

Lyman school
for boys.

For the payment of certain bills incurred in excess of appropriations therefor at the Lyman school for boys, the sum of two thousand and thirty-three dollars and twenty-one cents, as authorized by chapter forty-five of the resolves of the present year.

Jane Parks.

For Jane Parks of Cambridge, the sum of two hundred dollars, as authorized by chapter forty-six of the resolves of the present year.

Normal school
at Salem.

For certain repairs and improvements at the state normal school at Salem, the sum of nineteen hundred and seventy dollars, as authorized by chapter forty-seven of the resolves of the present year.

James K. Beede.
William B.
Potter.
Wallace P.
Balcom.

For James K. Beede, the sum of one hundred dollars; for William B. Potter, the sum of one hundred dollars; for Wallace P. Balcom, the sum of one hundred dollars, as authorized by chapter forty-eight of the resolves of the present year.

Report of com-
missioners on
grade crossings.

For printing three thousand extra copies of the report of the commissioners on grade crossings, a sum not

exceeding twenty-seven hundred and fifty dollars, as authorized by chapter forty-nine of the resolves of the present year.

For printing twenty-five hundred copies of the report of the commissioner of public records of parishes, towns and counties, a sum not exceeding twenty-three hundred dollars, as authorized by chapter fifty of the resolves of the present year.

Public records of parishes, towns and counties.

For the New England industrial school for deaf mutes, the sum of two thousand dollars, as authorized by chapter fifty-one of the resolves of the present year.

Industrial school for deaf mutes.

For Patrick M. Drummey, the sum of two hundred dollars, as authorized by chapter fifty-two of the resolves of the present year.

Patrick M. Drummey.

For Henry J. Coolidge, the sum of fifteen hundred and ninety-one dollars and forty cents, as authorized by chapter fifty-three of the resolves of the present year.

Henry J. Coolidge.

For printing fifteen hundred copies of the report of the state board of arbitration, the sum of two hundred and six dollars and fifty-three cents, as authorized by chapter fifty-five of the resolves of the present year.

Board of arbitration.

For the Gettysburg battlefield memorial association, a sum not exceeding five hundred dollars, as authorized by chapter fifty-six of the resolves of the present year.

Gettysburg battlefield memorial association.

For Barney McCabe, the sum of four hundred and sixteen dollars and twenty-five cents, as authorized by chapter fifty-nine of the resolves of the present year, being for bounty and interest on the same, which sum is payable from the bounty loan sinking fund.

Barney McCabe.

To provide an additional building at the soldiers' home at Chelsea, a sum not exceeding fifty thousand dollars, as authorized by chapter sixty of the resolves of the present year.

Soldiers' home at Chelsea.

For the enlargement of the yard and the construction of a new building at the state prison at Boston, a sum not exceeding thirty-five thousand dollars, as authorized by chapter sixty-two of the resolves of the present year.

State prison at Boston.

For a new building at the agricultural experiment station at Amherst, a sum not exceeding ten thousand dollars, as authorized by chapter sixty-three of the resolves of the present year.

Agricultural experiment station.

For the town of Walpole, the sum of two hundred and thirty-five dollars, and for the town of Bridgewater, two hundred and sixty-five dollars, as authorized by chapter sixty-four of the resolves of the present year.

Towns of Walpole and Bridgewater.

Widow of
Lewis Hayden.

For the widow of Lewis Hayden, the sum of six hundred and fifty-seven dollars and fifty cents, as authorized by chapter sixty-six of the resolves of the present year.

Settlers on lands
in the Madawaska territory.

For the payment of claims of certain settlers occupying lands in the Madawaska territory affected by the treaty of Washington, the sum of fifteen hundred dollars and fifty cents, as provided for in chapter sixty-seven of the resolves of the present year.

Surveying lands
at prison for
women.

For surveying lands of the Commonwealth at the reformatory prison for women, a sum not exceeding one hundred and fifty dollars, as authorized by chapter sixty-nine of the resolves of the present year.

School room at
state prison.

For the construction of a building to be used as a school room at the state prison in Boston, a sum not exceeding two thousand dollars, as authorized by chapter seventy of the resolves of the present year.

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

Approved May 15, 1889.

Chap. 344 AN ACT TO PROVIDE FOR THE TRANSFER OF LIQUOR LICENSES FROM ONE LOCALITY TO ANOTHER IN A CITY OR TOWN.

Be it enacted, etc., as follows:

Transfer of
licenses from
one location to
another in the
same city or
town, to
the original
licensee.

SECTION 1. Licensing boards may transfer licenses for the sale of intoxicating liquor from one location to another within the city or town in which such licenses are in force; but such permission shall be granted only to the original licensee, and like notice shall be given and the same provisions shall apply and other proceedings shall be had as are required by law upon the granting of licenses, except that no new license fee shall be required.

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

Approved May 15, 1889.

Chap. 345 AN ACT TO AUTHORIZE THE PROVIDENCE AND WORCESTER RAILROAD COMPANY TO LEASE ITS RAILROADS, PROPERTY AND FRANCHISES TO THE NEW YORK, PROVIDENCE AND BOSTON RAILROAD COMPANY.

Be it enacted, etc., as follows:

Providence and
Worcester
Railroad may
be leased to the
New York,
Providence and
Boston Railroad
Company.

SECTION 1. The Providence and Worcester Railroad Company may lease its railroads, property and franchises to the New York, Providence and Boston Railroad Company in such manner and upon such terms and conditions as are provided by the general laws of the Commonwealth

for the leasing of railroads; and the New York, Providence and Boston Railroad Company may accept the same and hold and use said demised railroads, property and franchises in accordance with the terms and conditions of said lease; but the lessee shall not transfer or part with the possession or control of the leased road by consolidation or otherwise without the consent of the legislature of Massachusetts.

Lessee not to transfer road without consent of legislature.

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

Approved May 16, 1889.

AN ACT TO CONFIRM THE ACTS OF THE ACTING CITY CLERK AND CITY TREASURER OF THE CITY OF WOBURN.

Chap. 346

Be it enacted, etc., as follows:

SECTION 1. All the acts and doings of David F. Moreland, acting city clerk, and John C. Buck, acting city treasurer, of the city of Woburn, from and after the time of their election and qualification on the seventh day of January to the first Monday of February in the year eighteen hundred and eighty-nine, shall have the same force and effect as if it had been provided in section eighteen of chapter three hundred and seventy-four of the acts of the year eighteen hundred and eighty-eight that they should hold office from the time of their election and qualification.

Acts and doings confirmed.

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

Approved May 21, 1889.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUOR ON LABOR DAY.

Chap. 347

Be it enacted, etc., as follows:

Section one of chapter two hundred and fifty-four of the acts of the year eighteen hundred and eighty-eight is hereby amended by adding after the words " Memorial day " the words: — or on Labor day, — so that the section as amended shall read as follows:— *Section 1.* Any common victualler having a license to sell intoxicating liquors under either of the first three classes of section ten of chapter one hundred of the Public Statutes, who shall sell, give away or deliver, on the licensed premises, any of such liquors on Fast day, or on the thirtieth day of May, commonly called Memorial day, or on Labor day, or Thanksgiving day, or on the twenty-fifth day of Decem-

Sale of intoxicating liquors by common victuallers prohibited on certain days.

ber, commonly called Christmas day, or on the twenty-sixth day of December when the said Christmas day falls upon Sunday, shall be liable to the penalty prescribed in section eighteen of chapter one hundred of the Public Statutes or in acts in amendment thereof.

Approved May 21, 1889.

Chap. 348 AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY TO MORTGAGE CERTAIN OF ITS TERMINAL LANDS IN THE CITY OF BOSTON, AND IN RELATION TO THE PURCHASE OF SUCH LANDS FROM THE COMMONWEALTH.

Be it enacted, etc., as follows:

Certain bonds and notes deemed to be loans on real estate, and taxable as real estate.

SECTION 1. Bonds issued by the New York and New England Railroad Company for the payment of which first mortgages made as provided in chapter three hundred and one of the acts of the year eighteen hundred and eighty-eight are held as collateral security, and also the mortgage notes so held as collateral security, shall, for the purposes of taxation, and for the purpose of exemption of deposits in savings banks and institutions for savings from taxation, be deemed to be a loan on mortgage of real estate, and taxable as real estate, as provided in chapter eleven of the Public Statutes, and not taxable otherwise.

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

Approved May 21, 1889.

Chap. 349 AN ACT TO ESTABLISH THE SALARY OF THE PAYING TELLER IN THE OFFICE OF THE TREASURER OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The salary of the paying teller in the office of the treasurer of the Commonwealth shall be fourteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

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

Approved May 21, 1889.

Chap. 350 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF HAMPDEN TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN HOLYOKE AND CHICOPEE.

Be it enacted, etc., as follows:

Commissioners of Hampden county may lay

SECTION 1. The county commissioners of the county of Hampden are hereby authorized and required within

two years from the passage of this act to lay out a public highway and construct a bridge, with suitable approaches, across the Connecticut river between the city of Holyoke and that part of the town of Chicopee known as Willimansett, from the point of intersection of the centre line of Cabot street with the centre line of Canal street in said Holyoke to a point in said Willimansett not more than two hundred and fifty feet southerly from bridge of the Connecticut River Railroad Company.

out highway and construct bridge across Connecticut river between Holyoke and Chicopee.

SECTION 2. All expenses incurred under this act, including all expenses of maintaining and keeping in repair said bridge when completed, shall be borne and paid by the said county of Hampden and such towns in said county in such proportion and in such manner as shall be determined under the following provisions.

Expenses to be borne by county of Hampden and certain towns therein.

SECTION 3. When such highway and bridge and approaches are completed, and as soon as their full cost is ascertained, said county commissioners shall file their report of the facts, together with the amount of such expenses, in the office of the clerk of the supreme judicial court for said county, whereupon and upon the application of said county commissioners or any party interested, and after such notice as said court may order, said court shall appoint a board of three commissioners who shall be sworn to the faithful discharge of their duties hereunder, and who, after proper notice to and a full hearing of all the parties interested, shall award and determine what proportional part of the cost of said bridge, and what proportional amount of all expenses of keeping in repair said bridge, and all other expenses incurred under this act, shall be borne and paid by said county and by such towns or cities in said county as they, the said commissioners, shall award and determine will be specially benefited by said bridge, and they shall also award and determine how, by and to whom such proportional amounts shall be paid.

Upon completion of bridge, etc., apportionment of cost to be made by commissioners.

SECTION 4. The determination and award of said commissioners appointed as aforesaid, or the majority of them, shall be then reported in writing to the said supreme judicial court, and upon acceptance by said court and judgment and decree thereon, shall be binding upon all parties named therein, and such proceedings may be had upon such judgment or decree to enforce and carry into effect the same as is provided by law in civil cases in said court. Compensation and expenses of said commissioners shall be

Award of commissioners to be made in writing to supreme judicial court.

Compensation and expenses of commissioners.

paid in such manner as they shall determine, subject to the approval of said court.

County commis-
sioners may take
lands, etc.

SECTION 5. If for the purpose of laying out said public highway and constructing said bridge, with suitable approaches thereto, the county commissioners of said county of Hampden deem it necessary to take and appropriate and use the lands and property of private owners and any of the property and materials in the superstructure of the old bridge between Holyoke and South Hadley, after the same shall have been rebuilt in accordance with the provisions of chapter three hundred and nineteen of the acts of the year eighteen hundred and eighty-eight, said county commissioners are hereby authorized to enter upon, take, appropriate and use such lands, property and materials.

Damages for
taking lands,
etc.

SECTION 6. Said county commissioners shall estimate and determine all damages that may be sustained by any party or parties by the taking, appropriating and using of land, property and materials as aforesaid; but any party aggrieved by such determination of said county commissioners may have their damages assessed by a jury in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways.

County commis-
sioners may
borrow money.

SECTION 7. Said county commissioners are hereby authorized to borrow upon the credit of said county such sums as may be necessary for carrying into effect the provisions of this act.

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

Approved May 21, 1889.

Chap.351 AN ACT TO ESTABLISH THE SALARY OF THE CHIEF EXAMINER OF
THE CIVIL SERVICE COMMISSION.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The salary of the chief examiner of the civil service commission, beginning with the first day of January in the year eighteen hundred and eighty-nine, shall be three thousand dollars a year.

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

Approved May 21, 1889.

AN ACT PLACING ENGINEERS AND OTHERS HAVING CHARGE OF STEAM BOILERS IN SCHOOL BUILDINGS IN THE CITY OF BOSTON UNDER CIVIL SERVICE RULES. Chap.352

Be it enacted, etc., as follows:

SECTION 1. Engineers, janitors and all persons having charge of steam boilers and furnaces in the school buildings in the city of Boston shall be classified and appointed pursuant to the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, entitled, An Act to improve the civil service of the Commonwealth and the cities thereof, and the rules of the civil service commissioners made and established thereunder.

Certain engineers and janitors in Boston placed under civil service rules.

SECTION 2. This act shall take effect upon its passage.
Approved May 21, 1889.

AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO ESTABLISH A HIGH WATER SERVICE AND TO ISSUE ADDITIONAL WATER BONDS. Chap.353

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville, for the purpose of supplying said city and the inhabitants thereof with water for the extinguishment of fires, and for domestic and other purposes, is hereby authorized to lay, construct and maintain within the limits of said city such pipes, aqueducts, and stand-pipes, engine houses or other structures or works, in connection with its system of water supply and the water supply furnished to said city by the city of Boston, as may be requisite for the purpose of establishing and maintaining high water service in any part or parts of said city deemed advisable by the city council; and for such purpose may at any time within five years from the passage of this act, by vote of its city council, take and hold by purchase or otherwise any lands and buildings thereon, rights of way and easements necessary for said purpose.

May establish a high water service.

May take lands, etc., at any time within five years.

SECTION 2. Said city shall within sixty days after taking any lands, buildings, rights of way or easements, as herein provided, otherwise than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the county of Middlesex, southern district, a description thereof sufficiently accurate for identification, with a statement that the same is taken

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

pursuant to the provisions of this act, which statement shall be signed by the mayor of said city, and the title of all land so taken shall vest in the city of Somerville.

Liability for damages.

SECTION 3. Said city shall be liable to pay all damages sustained in property by any persons or corporations by reason of the taking of any land, right or easement, or by any other thing done by said city under the authority of this act. If any person or corporation sustaining damages as aforesaid under this act does not agree with said city upon the amount of said damages, he may within two years from such taking, and not afterwards, apply by petition for an assessment of the damages to the superior court for the county of Middlesex; and thereupon, after such notice as said court shall order to the said city, a trial shall be had at the bar of said court in the same manner as other civil cases are there tried by jury. If the city council of said city, at the time of the taking of any land, right or easement as aforesaid, shall have made an award of the amount of damages sustained by the petitioner, he shall recover his costs if upon the trial damages are increased beyond the award; otherwise the petitioner shall pay costs, and such costs shall be taxed as in civil cases. Said petition may be filed at any time within said two years in the office of the clerk of said court.

City may make tender for damages or pay money into court.

SECTION 4. In every case of a petition to the superior court for an assessment of damages as provided in this act, the said city may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner, 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 petitioner does not accept the sum so offered or tendered, with his costs up to that time, but proceeds with his suit, he shall be entitled to his costs to the time of such tender or payment into court or offer of judgment, and not afterwards, unless the amount recovered by him in such action exceeds the amount so tendered.

Powers to be exercised by city by such agents as it may appoint.

SECTION 5. All the rights, powers and authority given to the city of Somerville 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.

SECTION 6. For the purpose of paying for the lands, rights or easements and settling the damages herein referred to, and for providing means for the further extension and improvement of the water works of said city from time to time, and for the purposes mentioned in section one of chapter two hundred and two of the acts of the year eighteen hundred and sixty-eight, and generally for all purposes mentioned or referred to in this act, the city of Somerville is hereby authorized to issue from time to time as a water debt, in addition to what it is already authorized by law to issue, notes, scrip or bonds, to be denominated on the face thereof, Somerville Water Loan, to an amount not exceeding two 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; and said city may sell said notes, bonds or scrip, or any part thereof, from time to time, or use the same in payment of debts incurred for said purposes, upon such terms and conditions as it may deem proper, provided that said notes, bonds and scrip shall not be sold at less than par. The said city at the time of authorizing said loan or any part thereof shall 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 the city 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. The said city is hereby authorized to raise by taxation from time to time any part of said two hundred thousand dollars; but this provision shall not exempt the said city from the provisions of section one of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five. The words "said city" wherever used in this act shall refer to and mean the said city of Somerville.

Somerville
Water Loan.

Sinking fund to
be provided.

SECTION 7. This act shall take effect upon its passage.

Approved May 21, 1889.

Chap. 354 AN ACT TO AUTHORIZE THE LEASING OF TISBURY GREAT POND.*Be it enacted, etc., as follows:*Commissioners
may lease
Tisbury great
pond.

SECTION 1. The commissioners on inland fisheries or any two of them may in the name of the Commonwealth lease, for a term not exceeding eleven years, the pond known as and called Tisbury great pond, in the county of Dukes county, and any of the arms, coves and bays connected therewith, for the purpose of cultivating useful fishes, for such periods of time and on such terms and conditions as may seem to them most for the public good: *provided*, that nothing herein shall impair or abridge the right of any citizen of the Commonwealth to take fish in said pond or the waters connected therewith, by hook and line, at such times and under such restrictions and limitations as are permitted under any laws of the Commonwealth now or hereafter to be enacted relating to the taking of fish by hook and line.

Proviso.

Hearing to
be had.

SECTION 2. Before making such lease the commissioners shall appoint a time and place for a hearing upon the application therefor, and shall give notice thereof to all the towns within whose limits any part of said pond lies.

Towns may
take lease.

SECTION 3. Towns within whose limits any part of said pond lies may, for the purpose of cultivating useful fishes and under such conditions and restrictions as they may prescribe, take a lease of said pond and appropriate money therefor.

Limits of pond
to be fixed and
recorded.

SECTION 4. The commissioners may fix the limits of the said pond, and the arms, coves and bays connected therewith; which limits, being recorded in the registry of deeds for said county, shall be taken to be the legal limits thereof for all the purposes of this act.

Commissioners
to have custody
of leases.

SECTION 5. The commissioners shall have the custody of all such leases, and may cause any agreements, rights, reservations, forfeitures and conditions therein contained to be enforced, and for that purpose may institute proceedings in the name of the Commonwealth, and may take possession of any premises for breach of condition of such lease, and after revesting the Commonwealth therewith may again lease the same.

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

Approved May 21, 1889.

AN ACT TO INCORPORATE THE NEW ENGLAND ELECTRIC EXCHANGE. *Chap.355*

Be it enacted, etc., as follows:

SECTION 1. Phœbus H. Alexander, Henry B. Cram, Robert Amory, Frank Ridlon, George W. Davenport, Warren S. Hill, their associates and successors, are hereby made a corporation by the name of the New England Electric Exchange, for the purpose of the general promotion of electrical business, and especially in the direction of securing perfection in electric light and electric power installations, and in harmonizing and adjusting so far as possible the differences which may arise between various electrical interests; with all the powers and privileges and subject to all the duties and liabilities set forth in all general laws which now are or hereafter may be in force concerning such corporations: *provided*, that nothing in this act contained shall be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

New England Electric Exchange, incorporated.

Powers and duties.

Proviso.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to the purposes of said corporation.

Real and personal estate.

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

Approved May 21, 1889.

AN ACT PERMITTING ACCIDENT INSURANCE COMPANIES TO INSURE, *Chap.356*

UNDER CERTAIN CONDITIONS, THE LIABILITY OF EMPLOYERS FOR INJURIES RECEIVED BY PERSONS IN THEIR EMPLOY.

Be it enacted, etc., as follows:

SECTION 1. Section eighty of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven is hereby amended so as to read as follows: — *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. But any company, domestic or foreign, engaged in this Commonwealth in the business of insuring against bodily injury or death by accident may in connection therewith also engage in the business of insuring against the liability of employers for injuries to persons in their employment, by increasing its capital to the amount now required by law as the capital of such

Accident insurance companies may insure against the liability of employers for injuries to their employees.

employers' liability insurance company; and no company now or hereafter admitted shall be allowed to transact both of said classes of business unless it possesses an aggregate capital equal to that required of two separate companies engaged in either one of these two classes of business.

SECTION 2. This act shall take effect upon its passage.
Approved May 22, 1889.

Chap.357 AN ACT TO AUTHORIZE THE TOWN OF SOUTH HADLEY TO APPROPRIATE TO OTHER PUBLIC USES AND TO ALIENATE CERTAIN PORTIONS OF AN OLD GRAVEYARD, AND TO REMOVE HUMAN REMAINS THEREFROM.

Be it enacted, etc., as follows:

Town may take part of old graveyard for school purposes.

SECTION 1. The town of South Hadley may, at the expense of the Evergreen Cemetery Association of said town, cause all human remains to be removed from that part or strip of the old graveyard situated near the centre of said town and laid out by the proprietors of the town of Hadley in or about the year seventeen hundred and twenty-eight, which extends twenty feet wide from the highway to land now or late of The Trustees of the Mount Holyoke Seminary and College, along the southerly side of said graveyard, and adjoining the school-house lot belonging to the said town of South Hadley; and may appropriate said strip to school purposes for use in connection with said school-house lot.

May cause human remains to be removed.

SECTION 2. The town of South Hadley may likewise, at the expense of the Evergreen Cemetery Association, cause all human remains to be removed from that portion of said graveyard which is situated northerly of a line beginning at a point on the westerly side of the highway fifty feet southerly, measuring on the line of the highway, from the northeasterly corner of said graveyard, and extending westerly at a right angle with said highway until it intercepts the boundary line between the said graveyard and land of The Trustees of the Mount Holyoke Seminary and College; and said town may convey or release the portion so described to The Trustees of the Mount Holyoke Seminary and College or to said Evergreen Cemetery Association for such consideration and on such terms as it shall deem proper.

May lay out road through graveyard.

SECTION 3. The town of South Hadley may at the expense of the Evergreen Cemetery Association lay out

and construct a road or way through said graveyard from the highway to land now belonging to said cemetery association or which may be hereafter purchased by it.

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

Approved May 22, 1889.

AN ACT TO INCORPORATE THE ALBERT HOPKINS WHITE OAKS CHAPEL ASSOCIATION, AND TO ENABLE THE PRESIDENT AND TRUSTEES OF WILLIAMS COLLEGE TO CONVEY TO THE SAME CERTAIN PROPERTY HELD UNDER THE WILL OF ALBERT HOPKINS, DECEASED.

Chap. 358

Be it enacted, etc., as follows:

SECTION 1. John Bascom, Luther D. Woodbridge and Austin B. Bassett, their associates and successors, residents of this Commonwealth, not exceeding twelve in number, are hereby made a corporation by the name of The Albert Hopkins White Oaks Chapel Association, for the purpose of maintaining the chapel at the White Oaks in Williamstown, which was erected by the late Albert Hopkins of said Williamstown, and of maintaining religious worship and teaching; with all the powers and privileges and subject to all the duties and obligations applicable by law to religious societies.

The Albert Hopkins White Oaks Chapel Association, incorporated.

SECTION 2. Upon the organization of the corporation named in section one, the president and trustees of Williams College may assign and convey to the said corporation said chapel, and all the property, real and personal, which the said president and trustees of Williams College have heretofore held under the will of said Albert Hopkins, deceased; and from and after such conveyance the said president and trustees of Williams College shall be discharged and released from all obligations on account of the devises and bequests contained in said will.

Williams College may convey chapel to corporation.

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

Approved May 23, 1889.

AN ACT TO SUPPLY THE TOWN OF IPSWICH WITH WATER.

Chap. 359

Be it enacted, etc., as follows:

SECTION 1. The town of Ipswich 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, relocate or discontinue the same; may regulate the use of such water

Town of Ipswich may supply itself with water.

and fix and collect rates to be paid for the use of the same.

May take land and the waters of any spring, pond or stream within the town.

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, or sink wells upon any land situate therein, and take by purchase or otherwise and hold any lands, rights of way and easements necessary for holding and preserving any water thus obtained and for conveying the same to any part of the said town of Ipswich; 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 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 said town 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 lay conduits, pipes and other works.

May dig up lands.

To cause to be recorded in the registry of deeds a description of lands and property taken.

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 selectmen of the town.

Town to pay damages sustained.

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.

Application for damages not to be made after three years, and 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 one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, Ipswich 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 of Ipswich and be countersigned by the selectmen of said town. The 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 nor pledged at less than the par value thereof. 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.

May issue bonds, etc., not exceeding \$100,000.

May sell securities or pledge the same for money borrowed.

SECTION 6. 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.

Return required to state amount of sinking fund.

SECTION 7. 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 as may be required by the provisions of this act.

To raise sufficient from income and taxes to pay interest, etc.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under

Penalty for wilfully

corrupting or diverting water.

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.

Subject to acceptance by a two-thirds vote within three years.

SECTION 9. 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 two in any one year, and notice of such meetings shall be given at least seven days before the time fixed for holding the same.

Approved May 23, 1889.

Chap. 360 AN ACT TO AMEND CHAPTER FOUR HUNDRED AND ELEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN, ENTITLED AN ACT CONCERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS.

Be it enacted, etc., as follows:

Officer transferred, etc., to take rank according to date of original commission.

SECTION 1. Section thirty-three of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-seven is hereby amended by adding at the end thereof the following words: — An officer continued by appointment in the same office, or appointed, or transferred by appointment, from one office to another in the militia without loss of grade or continuous service, shall take rank in his grade according to the date of his original commission therein, and a statement showing that date shall be made in his new commission.

Officer discharged under section 53 not eligible for appointment within six months.

SECTION 2. Section forty-two of said chapter four hundred and eleven is amended by adding at the end thereof the following words: — Any commissioned officer who has been discharged under the provisions of section fifty-three of this act shall not be eligible for election or appointment to a commission within six months after such discharge.

Penalty for molesting or insulting an officer or soldier on duty.

SECTION 3. Section one hundred and nineteen of said chapter four hundred and eleven is amended so as to read as follows: — 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 section ninety-five or section one hundred and eighteen, or of obstructing or interfering with United States forces or troops or any portion of the militia in the exercise or enjoyment of the right of way granted by section 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.

SECTION 4. Section one hundred and twenty-eight of said chapter four hundred and eleven is amended by adding at the end thereof the following words:— Inspecting officers, when on duty inspecting in armories under orders of the commander-in-chief, shall receive the same pay and allowances as are provided for officers on special duty.

Compensation
for inspecting
in armories.

SECTION 5. Section one hundred and forty-seven of said chapter four hundred and eleven is amended so as to read as follows:— Companies, corps of cadets, signal and ambulance corps, battalions or regiments may adopt constitutional articles of agreement or by-laws 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 articles or rules adopted for the general government of the militia. These articles of agreement or by-laws for unattached companies, signal and ambulance corps, shall be approved by brigade commanders; for all others by their respective battalion commanders. Certified copies of such articles or rules with like copies of all alterations as finally approved shall be deposited in the office of the adjutant-general.

Articles of
agreement and
by-laws.

Treasurer's books, etc., may be examined.

SECTION 6. Section one hundred and forty-eight of said chapter four hundred and eleven is amended by adding at the end thereof the following words:—The books of the treasurer and other books of any command shall at any time be examined by inspecting officers when so ordered by the commander-in-chief, and subject to his action on receipt of the report of such examination.

Approved May 23, 1889.

Chap.361 AN ACT TO PROHIBIT SALES OF INTOXICATING LIQUOR BY HOLDERS OF FOURTH AND FIFTH CLASS LICENSES ON ELECTION DAYS.

Be it enacted, etc., as follows:

Intoxicating liquors not to be sold on election days by holders of fourth and fifth class licenses.

SECTION 1. All licenses to sell intoxicating liquor of the fourth and fifth classes named in section ten of chapter one hundred of the Public Statutes, excepting those held by wholesale druggists, shall be subject in addition to the conditions named in section nine of said chapter, to the following further condition, that the licensee shall not sell, give away or deliver, on the licensed premises, any intoxicating liquors on any day when any national, state, municipal or annual town election is held in the city or town where such premises are situated; subject to the provisions of chapter one hundred and eighty-six of the acts of the year eighteen hundred and eighty-nine.

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

Approved May 23, 1889.

Chap.362 AN ACT TO INCORPORATE THE PILGRIM FATHERS' HALL ASSOCIATION.

Be it enacted, etc., as follows:

Pilgrim Fathers' Hall Association, incorporated.

SECTION 1. Horace A. Wadsworth, Jonathan C. Bowker, Alfred D. Snow, Milton B. Townsend, Thomas Westby, Alonzo Winkley, William Luscomb, Frank McNally, Matthew J. Carney and Amos Southwick, their associates and successors, may associate themselves together and organize a corporation under the general laws of this Commonwealth, by the name of the Pilgrim Fathers' Hall Association; and said corporation, when duly incorporated under said general laws, 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 May 23, 1889.

AN ACT TO CHANGE THE CORPORATE NAME OF THE REVERE STREET RAILWAY COMPANY. *Chap.363*

Be it enacted, etc., as follows :

SECTION 1. The name of the Revere Street Railway Company, a corporation duly established under the laws of this Commonwealth, is hereby changed to the Boston and Revere Electric Street Railway Company. Name changed to Boston and Revere Electric Street Railway Company.

SECTION 2. This act shall take effect upon its passage.
Approved May 23, 1889.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF WARREN. *Chap.364*

Be it enacted, etc., as follows :

SECTION 1. The proceedings of the annual town meeting of the town of Warren, held on the first day of April in the year eighteen hundred and eighty-nine, shall not be invalid by reason of any defect in the warrant or any error in the posting or publication of the same ; and no act or proceeding of said meeting shall be invalid in consequence of such defect. Proceedings at annual town meeting confirmed.

SECTION 2. This act shall take effect upon its passage.
Approved May 23, 1889.

AN ACT CONCERNING THE SALARY OF THE LATE JOHN C. PARK. *Chap.365*

Be it enacted, etc., as follows :

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized to pay to the widow of John C. Park, late justice of the police court of Newton, the balance of the salary as such justice, for the year eighteen hundred and eighty-nine, to which he would have been entitled had he lived and continued to be such justice during the remainder of said year. Salary to be paid to widow of John C. Park.

SECTION 2. This act shall take effect upon its passage.
Approved May 23, 1889.

AN ACT AUTHORIZING THE CITIES OF BOSTON AND CAMBRIDGE TO WIDEN WEST BOSTON BRIDGE. *Chap.366*

Be it enacted, etc., as follows :

SECTION 1. The cities of Boston or Cambridge, or either of them within its limits, are authorized, subject to the provisions of chapter nineteen of the Public Statutes, to widen the bridge between said cities known as West May widen West Boston bridge.

Boston bridge, on its southerly side, not exceeding twenty feet, and to make such changes in said bridge, and draw, and draw piers connected therewith and do such other acts as may be necessary and expedient or convenient for this purpose: *provided*, one or more clear openings not less than thirty-six feet in width shall be left through said draw for the passage of vessels.

Portions of bridge may be set apart for special use of street cars.

SECTION 2. The boards of aldermen of said cities, or either of them within the limits of its city, may by vote grant locations and set apart a portion of said bridge when so widened for the special use of street cars, or may grant locations under the provisions of chapter one hundred and thirteen of the Public Statutes; and said boards of aldermen or either of them are hereby authorized and empowered to contract with any street railway company owning, controlling or running street cars on said bridge for the making of said widening, or for the payment of all or any part of the expense or cost thereof, and for keeping the same in repair, and for the setting apart as aforesaid of a portion of said bridge when so widened for such special use of such street cars. Such street railway company may acquire private lands by purchase or lease for the purpose of making proper approaches to or for the extension of such location. The board of aldermen of the city where such lands are situate may then grant to said company special locations on and over lands so acquired.

Care and management of bridge and draw.

SECTION 3. The care and management of the whole of said bridge and draw shall remain in said cities; the expense of all repairs made on that portion of it set apart for the special use of street cars shall be borne by the company owning or controlling said cars, so long as it continues to use it.

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

Approved May 23, 1889.

Chap. 367

AN ACT TO INCORPORATE THE MARLBOROUGH BUILDING ASSOCIATION.

Be it enacted, etc., as follows:

Marlborough Building Association, incorporated.

SECTION 1. S. Herbert Howe, Edward R. Alley, Louis P. Howe, William E. Dadmun and William N. Davenport, 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 Marl-

borough Building Association, of Marlborough, subject to the provisions of chapter one hundred and five of the Public Statutes and to all general corporation laws which now are or hereafter may be in force relating to such corporations; and shall have the powers and be subject to the liabilities and restrictions prescribed therein.

SECTION 2. The said corporation shall have power in the county of Middlesex to purchase, hold, sell, mortgage, let and lease real estate, and to improve the same by the erection of dwelling-houses, stores and other buildings thereon, or otherwise as may be expedient.

May purchase, hold and sell real estate.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each: *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 4. The said corporation may from time to time increase its capital stock in amounts not to exceed in the aggregate the further sum of fifty thousand dollars: *provided*, that no shares in such increased capital stock shall be issued for a less sum to be actually paid in on each share, in cash or property, than the par value thereof, which shall not be less than one hundred dollars, the value of said property to be determined as aforesaid; and also *provided*, that a certificate stating the amount of any such increase shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

May increase capital stock.

Shares not to be issued at less than par value.

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

Approved May 23, 1889.

AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO ISSUE ADDITIONAL WATER BONDS AND TO SUPPLY THE TOWN OF LUDLOW WITH WATER FOR CERTAIN PURPOSES.

Chap. 368

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield, acting by its city council, is hereby authorized to issue coupon water bonds, to be signed by its treasurer and its mayor, to an amount not to exceed four hundred and fifty thousand dollars, payable at a period not to exceed forty years from their date, with interest payable semi-annually at a rate not to

May issue coupon water bonds.

Sinking fund. exceed four per centum per annum, for the purpose of raising money with which to pay for a new and additional water main from its source of water supply in Ludlow, in the county of Hampden, to and into said city. The sinking fund provisions of chapter three hundred and forty-five of the acts of the year eighteen hundred and seventy-two and of all acts in amendment thereof shall, so far as applicable, apply hereto.

Subject to a two-thirds vote of the city council.

SECTION 2. Said main shall not be constructed, nor any contract relating thereto made, until the said city council shall by a two-thirds vote authorize the issue of said bonds; and such issue shall not be authorized in excess of the amount which said city council shall determine to be necessary for the construction of a main of such a size as said council shall by such vote authorize the board of water commissioners of said city to lay.

To raise by taxation, etc., sufficient for payment of interest, etc.

SECTION 3. The city council of said city shall annually include in the appropriation of money to be raised by taxation such a sum as it shall determine will be required during the then municipal year to meet the interest on the Springfield water bonds and on bonds issued under the authority hereof, that shall not be met by the estimated net income of the water department; and in estimating said net income, all expenses of said department, including the estimated cost of new distribution mains to be laid during such year, shall be taken into account; and said city council shall annually determine what sum of money shall be expended by the water commissioners for new distribution mains.

New distribution mains.

Repeal.

SECTION 4. Section twelve of said chapter three hundred and forty-five is hereby repealed.

If water main is laid in Ludlow, the city of Springfield shall not interfere with use of streets, etc., further than necessary to perform the work.

SECTION 5. If the water main authorized to be laid by this act shall be laid in said town of Ludlow, said city of Springfield shall not interfere with the use of the streets or public ways in said town, by taking up the same or otherwise, further than is necessary to the performance of said work, and said city shall leave such streets or ways after completion of said work, and after the settling of any ditches or excavations made in the course of said work, in as good condition and repair as the same were in before said work was begun; and shall be liable to the same extent that said town might be held liable for any damage caused by any defect created by said city in such streets or ways; and shall furnish such police protection

as is necessary to the preservation of the public order and security along the line of said works during the prosecution thereof; and said city shall allow said town to take from said main sufficient water for the supply of a watering trough at Ludlow Centre and at Ludlow Village, so called, and for the supply of the two cemeteries in said town to the extent heretofore used therein, without charge; and shall provide at the expense of said town for connections for hydrants, not exceeding six in number, to be used for fire purposes only, and to be erected by said town at such places on the line of its works as may be designated by the selectmen before the laying of said pipe, and shall furnish a supply of water for the same without charge: and said city shall also furnish to residents of said town along the line of its works, and may furnish in any place where connection with said works now exists, the same privileges and facilities in and for the use of its water that are furnished to the residents of said city of Springfield, so long as it can do so without injury to said city. The provisions of this section may be enforced by injunction or other appropriate process by any court possessing equity jurisdiction.

Town to take water for watering troughs, etc.

Hydrants.

SECTION 6. This act shall take effect on the first day of January next.

Approved May 24, 1889.

AN ACT TO CHANGE THE NAME OF THE WINTER HILL UNIVERSALIST PARISH,

Chap.369

Be it enacted, etc., as follows:

SECTION 1. The name of the Winter Hill Universalist Parish of Somerville, a religious society organized under the general laws of this Commonwealth on the seventh day of July in the year eighteen hundred and seventy-nine, is changed to the Winter Hill Universalist Church.

Name changed to Winter Hill Universalist Church.

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

Approved May 24, 1889.

AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE STATE BOARD OF HEALTH.

Chap.370

Be it enacted, etc., as follows:

SECTION 1. The secretary of the state board of health shall receive a salary of three thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

Salary established.

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

Approved May 27, 1889.

Chap.371 AN ACT TO PROMOTE THE SAFETY OF THE PUBLIC AT GRADE CROSSINGS.

Be it enacted, etc., as follows:

County commissioners may cause standing wood to be removed where view of a crossing at grade is obstructed.

SECTION 1. A railroad corporation or any ten citizens of a town, for the purpose of promoting the safety of public travel, may, where the view of a railroad crossing or highway at grade is obstructed by standing wood in woodlands, petition the county commissioners for the county where such obstruction exists in woodlands, who shall, after such notice as they deem proper, hear the parties and make such order in the premises in regard to the removal of said standing wood as the public safety shall demand.

To prescribe limits of woods to be taken, and to determine damage sustained.

SECTION 2. Said commissioners shall prescribe the limits within which standing wood shall be taken and shall determine the damage sustained, and such damage and the expenses arising therefrom shall be paid by said railroad corporation; said damage and expenses shall be assessed and collected in the manner provided in the case of the taking of land by railroad corporations, and either party, if dissatisfied with the decision of the commissioners, may have the same right of appeal therefrom as is provided in the case of the taking of land by railroad corporations.

Railroad corporations not to acquire lands except as now authorized.

SECTION 3. Nothing herein contained shall be construed as authorizing a railroad corporation to acquire lands except as it is now authorized so to do.

To take effect June 1, 1889.

SECTION 4. This act shall take effect on the first day of June in the year eighteen hundred and eighty-nine.

Approved May 27, 1889.

Chap.372 AN ACT RELATIVE TO TEMPORARY LOANS BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

Temporary loans in anticipation of taxes. P. S. 29, § 6.

SECTION 1. Section six of chapter twenty-nine of the Public Statutes, as amended by section four of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five, is further amended by inserting in the third line of said section four, before the word "year" the word: — municipal, — so as to read as follows: — *Section 6.* Cities and towns may, by ordinary vote, incur debts for temporary loans in anticipation of the taxes of the municipal year in which such debts are

incurred and expressly made payable therefrom by vote of the city or town.

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

Approved May 27, 1889.

AN ACT TO CHANGE THE NAME OF THE BOARD OF GAS COMMISSIONERS.

Chap. 373

Be it enacted, etc., as follows:

SECTION 1. The board of gas commissioners shall hereafter be known and designated as the board of gas and electric light commissioners.

Gas and electric light commissioners.

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

Approved May 28, 1889.

AN ACT PROVIDING FOR THE APPOINTMENT OF A STATE MILITARY AND NAVAL HISTORIAN.

Chap. 374

Be it enacted, etc., as follows:

SECTION 1. The governor with the advice and consent of the council shall appoint a suitable person as state military and naval historian, whose duty shall be to collect and compile, within five years, ready for publication, a history of the part taken by the Massachusetts soldiers and sailors in the war of the rebellion.

State military and naval historian to be appointed.

SECTION 2. The said state historian shall receive as compensation a salary of two thousand dollars a year, with necessary expenses not to exceed five hundred dollars in any one year. He may at any time be removed from office and a successor appointed by the governor with the advice and consent of the council.

Compensation.

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

Approved May 28, 1889.

AN ACT TO AMEND SECTION ONE OF CHAPTER FIFTY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED EIGHTY-NINE ENTITLED AN ACT TO INCORPORATE THE NANTASKET METHODIST EPISCOPAL CHURCH.

Chap 375

Be it enacted, etc., as follows:

Section one of chapter fifty-nine of the acts of the year eighteen hundred eighty-nine is hereby amended by striking out in the tenth line thereof the word "general" and inserting in the place thereof the word: — public, — so as to read as follows: — *Section 1.* The religious society in Cohasset, formerly known as the Methodist Society

Amendment to act incorporating the Nantasket Methodist Episcopal Church.

Politic of Cohasset, and later as the Methodist Episcopal Church of North Cohasset, and now known as the Nantasket Methodist Episcopal Church, is hereby constituted a corporation by the name of the Nantasket Methodist Episcopal Church, with all the powers, rights, privileges, limitations, duties and liabilities of chapter thirty-eight of the Public Statutes, excepting sections eight to fourteen of the said chapter. *Approved May 28, 1889.*

Chap.376 AN ACT AUTHORIZING THE CITY OF LYNN TO TAKE LAND FOR PARADE, DRILL AND TARGET PRACTICE BY THE MILITIA.

Be it enacted, etc., as follows:

City may take land for parade, etc., of the militia of the city.

SECTION 1. The city of Lynn may take, by purchase or otherwise, and hold such land, rights of way or easements within its limits as may be necessary for the parade, drill and target practice of such part of the militia as may be located in said city.

To cause to be recorded in the registry of deeds a description of land taken.

SECTION 2. Said city of Lynn shall within sixty days after the taking of any lands, rights of way or easements, otherwise than by purchase, cause to be recorded in the registry of deeds for the county within which said lands, rights of way or easements lie a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the mayor of the said city.

Damages to be paid by the city.

SECTION 3. The city of Lynn shall pay all damages sustained by any person by the taking of any land, right of way or easement, or by any other thing done by said city under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said city 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 laying out of highways, on application at any time within the period of three years from the taking of such land, right of way or easement, 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. Damages shall not be paid, nor shall the person claiming damages have a right to demand the same, until the land taken has been entered upon for the purposes of this act. A certificate of such entry signed by the mayor shall be filed in the registry of deeds in the county where the land lies within thirty days after such entry is made,

which certificate shall state the date of entry and the purposes thereof.

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

Approved May 28, 1889.

AN ACT AUTHORIZING CITIES AND TOWNS TO CONTRACT FOR THE DISPOSITION OF GARBAGE, REFUSE AND OFFAL. Chap.377

Be it enacted, etc., as follows:

Any city or town may, by its board of aldermen, selectmen, board of health or other officer or officers having in charge the disposition of the garbage, refuse and offal of such city or town, contract for a term of years for the disposition of such garbage, refuse and offal by cremation or otherwise.

May contract for the disposition of offal, etc.

Approved May 28, 1889.

AN ACT AUTHORIZING TITLE INSURANCE COMPANIES TO EXAMINE AND GUARANTEE TITLES TO PERSONAL PROPERTY AS WELL AS REAL ESTATE. Chap.378

Be it enacted, etc., as follows:

SECTION 1. Corporations which have been formed under the provisions of chapter one hundred and eighty of the acts of the year eighteen hundred and eighty-four, or of section sixty-two of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven, and corporations which may hereafter be formed under the provisions of said section sixty-two of said chapter two hundred and fourteen, may examine titles and furnish information in relation to both personal property and real estate, and may insure owners of both personal property and real estate, and others interested therein, against loss by reason of incumbrances and defective titles.

Title insurance companies may guarantee titles to personal property.

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

Approved May 28, 1889.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE LAND FOR THE USES OF THE PUBLIC LIBRARY OF SAID CITY. Chap.379

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, for purposes connected with the public library of said city, may, through the agency of the board of street commissioners of said city, take a certain lot of land in said Boston, bounded south by Blagden street, twenty-five and a half feet; east

City of Boston may take land for uses of the public library.

by land known as the new public library lot; north by a passageway, twenty-five and a half feet, and west by a line parallel with and twenty-five and a half feet westerly from said library lot, together with the right to use said passageway in common with others having any right therein, and shall pay for the same with the proceeds of the loan authorized by chapter sixty-eight of the acts of the current year.

Description of the land taken to be filed in the registry of deeds.

SECTION 2. The said board of street commissioners shall, within sixty days from the time of taking said land for the purposes of this act, cause to be recorded in the registry of deeds for the county of Suffolk a description of the land so taken as certain as is required in a common conveyance of land, and a statement of the purpose for which it was taken, which description and statement shall be signed by a majority of said board.

Payment of damages by the city of Boston.

SECTION 3. The city of Boston shall pay all damages for injuries to property sustained by any person whose property is taken under authority of this act; and if the said board and any person whose property is taken cannot agree upon the amount of damages a jury of the superior court may be had to determine the same, in the same manner as a jury is had and damages are determined when parties are dissatisfied with an estimate of damages sustained by any person in the laying out of a highway in said city.

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

Approved May 28, 1889.

Chap. 380 AN ACT TO AUTHORIZE TOWNS TO EMPLOY COUNSEL AT HEARINGS BEFORE COMMITTEES OF THE LEGISLATURE.

Be it enacted, etc., as follows:

Towns may employ counsel at hearings before committees of the legislature.

Any town interested in a petition to the legislature may at a legal meeting, by a two-thirds vote of the legal voters present thereat, authorize the employment of counsel to represent such town at any hearing before any committee of the legislature upon such petition: *provided, however,* that no expenses shall be hereby authorized excepting such as would be incurred in presenting a case before the judicial courts. Such town employing counsel shall require a detailed account of any expenses incurred, and a copy of said account shall be filed with the town clerk and open to the inspection of all tax payers of the town.

Approved May 28, 1889.

AN ACT TO AUTHORIZE THE FAIRHAVEN WATER COMPANY TO INCREASE ITS CAPITAL STOCK AND TO TAKE AN ADDITIONAL SOURCE OF WATER SUPPLY. Chap.381

Be it enacted, etc., as follows:

SECTION 1. The Fairhaven Water Company, a corporation incorporated by chapter one hundred and ninety-six of the acts of the year eighteen hundred and eighty-eight, is hereby authorized to increase its capital stock to an amount not exceeding one hundred and twenty-five thousand dollars, and may hold real estate not exceeding thirty-five thousand dollars in value. May increase capital stock to not exceeding \$125,000.
Real estate.

SECTION 2. The said corporation, for the purposes stated in said chapter one hundred and ninety-six of the acts of the year eighteen hundred and eighty-eight and for the purposes herein stated, may take and hold the water of any water source within the town of Mattapoisett, and all lands, rights of way and easements necessary for holding and preserving the same; may erect dams, buildings, fixtures and other structures; may make excavations, procure and operate machinery, construct and lay down pipes, conduits and other works, enter and dig up lands, make contracts with any public or private corporation or any individual, and do all other acts within said town that it might lawfully do in the town of Fairhaven under the powers granted to it by said chapter of said acts, and shall be subject to like duties, restrictions and liabilities to those therein stated and imposed upon it. May take land and water source in town of Mattapoisett.

SECTION 3. The said corporation shall within sixty days after the taking of any lands, rights of way or easements, water rights or sources, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county in which they are 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 said corporation. Description of land, etc., taken to be recorded in the registry of deeds.

SECTION 4. No lands, rights of way or easements, water rights or sources within said towns of Mattapoisett and Fairhaven shall be taken otherwise than by purchase before at least one-half of the capital stock, the issue of which is herein authorized, shall have been paid for in cash at its par value, and a certificate to that effect certified under oath by the treasurer of said company shall have been filed in the office of the secretary of the Commonwealth. Lands, etc., not to be taken, except by purchase, until one-half of capital stock has been paid in.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Work to be commenced within two years.

SECTION 6. This act shall take effect upon its passage, but shall become void unless work is commenced under it within two years from the date of its passage.

Approved May 28, 1889.

Chap. 382 AN ACT AUTHORIZING THE REVERE WATER COMPANY TO TAKE AN ADDITIONAL WATER SUPPLY.

Be it enacted, etc., as follows:

May take additional water supply.

SECTION 1. The Revere Water Company may for the purposes of an additional water supply take, by purchase or otherwise, water from wells to be dug or driven in the town of Saugus, near the junction of two brooks east of the Newburyport turnpike, and about one-third of a mile northwest from the Pleasant Hills station of the Saugus branch railroad; and also for the purposes aforesaid the said company may take by purchase or otherwise and hold the waters, or any portion thereof, of Crystal brook, so called, in said town of Saugus, to an amount not exceeding one million gallons in any one day; and also may take, by purchase or otherwise, all lands, rights of way and easements necessary for holding, storing and preserving all water taken or held under the authority of this act, and for conveying the same to the wells or pumping stations of said company in the town of Revere; and may erect on the lands thus taken or held proper dams, buildings, fixtures and structures, and may make excavations, procure and operate machinery, and may provide such other means and appliances as may be necessary for holding, storing, preserving and conveying the waters herein authorized to be taken; and may construct and lay down conduits, pipes and other works, under, through or over any lands, water sources, public works, railroads, public or private ways, and along any such way 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 way is 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; and shall hold

May take lands, rights of way, etc.

May erect dams and fixtures.

May dig up lands under direction of the selectmen.

such town harmless against all claims for damages caused by any act of said corporation, and shall defend at its own expense all suits against the town upon such claims, and pay to the town all costs and expenses by it incurred in such suits.

SECTION 2. The said corporation shall, within sixty days after the taking of any lands, right of way, water rights, water sources or easements under the authority of this act, 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 purposes for which the same was taken, signed by the president of said corporation. Such description and statement shall specify the amount of water to be taken from said Crystal brook, limiting the same to one million gallons for any one day. Said corporation shall provide a suitable method of measuring the water so taken, open to the inspection of any party interested; and the method of measurement may be fixed by one or more civil engineers, to be appointed, upon the application of either party interested after due notice and hearing, by any justice of the supreme judicial court.

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

SECTION 3. In determining the right of the city of Lynn to take the water of Saugus river, under chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-three, the daily flow of said river at Pranker's dam in the town of Saugus shall be deemed to include the amount of the waters of Crystal brook taken or appropriated under the authority of this act; the city of Lynn, subject to the conditions and liabilities of said act of the year eighteen hundred and eighty-three, including section three thereof, shall be entitled to and may take the waters of Saugus river whenever its daily flow at Pranker's dam in the town of Saugus shall exceed twelve million gallons, and may at such times take all the flow of said river in excess of said twelve million gallons, and no more.

Right to take water of Saugus river, etc.

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

Corporation to pay damages sustained.

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 laying out 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 the 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 actually withdrawn.

Corporation may be required to give security for payment of damages.

SECTION 5. Any owner of lands and water rights taken under this act by said Revere Water Company, upon application of either party for an estimate of damages, may require said corporation to give security satisfactory to the county commissioners of the county of Essex for the payment of all damages and costs which may be awarded to him for the land or other property taken; and if, upon the petition of such owner with notice to the adverse party, the security at any time appears to the said commissioners to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the rights 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.

Penalty for wilfully corrupting or diverting water.

SECTION 6. 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 fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water to be supplied to town upon application of selectmen.

SECTION 7. In case the town of Saugus or the inhabitants thereof shall at any time make application through its board of selectmen to be supplied with water by said corporation, then, and in such case only, the said corporation shall furnish water to said town or the inhabitants thereof to extinguish fires and for domestic and other purposes, for which said town shall pay an equitable

compensation; which, in case of difference, 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 the parties for the term of five years. But said compensation shall not exceed the rates now paid by said Saugus under its present contract with the city of Lynn.

Compensation.

SECTION 8. All lands which shall be taken by said Revere Water Company under this act in said Saugus, whether such lands are flowed or otherwise, shall be liable to taxation by the town of Saugus; and the value of any lands shall not be deemed to be lessened for such purpose by the flowage thereof.

Liability, of land taken, to taxation.

SECTION 9. Nothing in this act shall be construed to allow said Revere Water Company to enter upon any of the territory of the town of Melrose for the taking of water or the building of storage basins in said town of Melrose.

Not to enter territory of Melrose.

SECTION 10. The rights of taking granted to said Revere Water Company by this act shall become void except so far as the same are exercised within three years from its passage.

Rights to be exercised within three years.

SECTION 11. This act shall take effect upon its passage.

Approved May 28, 1889.

AN ACT TO AUTHORIZE THE FLOWAGE OF LAND FOR THE PURPOSES OF FISH CULTURE.

Chap. 383

Be it enacted, etc., as follows:

Any owner or lessee of lands or flats situated in the county of Barnstable, appropriated or which he desires to appropriate to the culture of useful fishes, may erect and maintain a dam across any stream for the purpose of creating or raising a pond for such fish culture, upon the terms and conditions and subject to the regulations contained in chapter one hundred and ninety of the Public Statutes, so far as the same are properly applicable in such cases: *provided, however*, that nothing herein contained shall authorize the erection or maintenance of a dam across any navigable stream within said county without a license obtained therefor from the board of harbor and land commissioners, in accordance with and subject to the provisions of chapter nineteen of the Public Statutes.

Lands in Barnstable county may be flowed for purposes of fish culture.

Proviso.

Approved May 28, 1889.

Chap.384 AN ACT IN RELATION TO RETURNING THE NAMES OF CONSTABLES TO CLERKS OF COURTS.

Be it enacted, etc., as follows:

Names of constables to be returned to clerks of the courts.

The clerks of cities and towns, except within the county of Suffolk, shall, within seven days after the appointment or election of constables and their qualification by giving bonds as provided by section one hundred and thirteen or by section one hundred and fourteen of chapter twenty-seven of the Public Statutes, return to the clerks of the courts of their respective counties the names of constables so appointed or elected and qualified.

Approved May 28, 1889.

Chap.385 AN ACT TO AUTHORIZE THE AMERICAN BELL TELEPHONE COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

Capital stock not to exceed \$20,000,000.

SECTION 1. The American Bell Telephone Company is hereby authorized to increase its capital stock, in the manner provided by law, at such times and in such amounts as it may from time to time determine, provided the whole amount of the capital stock of said American Bell Telephone Company shall not exceed twenty million dollars.

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

Approved May 29, 1889.

Chap.386 AN ACT TO AUTHORIZE THE HARTFORD AND CONNECTICUT WESTERN RAILROAD COMPANY TO EXTEND ITS ROAD.

Be it enacted, etc., as follows:

May extend its road into the state of Massachusetts.

SECTION 1. The Hartford and Connecticut Western Railroad Company, a corporation duly established in accordance with the laws of the state of Connecticut, is authorized to locate, build and operate a railroad with one or more tracks from a point on the dividing line between the Commonwealth of Massachusetts and the state of Connecticut, in the towns of Agawam or Southwick, in Hampden county, northeasterly through either or both of said towns and West Springfield and across the Connecticut river into the city of Springfield; and by lease or otherwise to acquire the line or property and franchises of any railroad or railroads lying upon or along said route; also to acquire land for the construction or maintenance of said railroad and for terminal facilities, in the manner pro-

vided by the general laws of this Commonwealth relating to railroad corporations: *provided*, that said railroad shall not be located or constructed across Park street, Park avenue or the park or common between said thoroughfares in said West Springfield, or across the Connecticut river less than two thousand feet north from the North End bridge, so called. Proviso.

SECTION 2. Said corporation may mortgage that part of its road authorized to be located, built and operated in this Commonwealth to an amount not exceeding twenty-five thousand dollars per mile for each mile of single track and in addition thereto ten thousand dollars for each mile of double or additional tracks, and may issue bonds secured thereby either coupon or registered: *provided*, that said limitation shall not apply to bridges across the Connecticut and Agawam rivers forming part of said railroad. May mortgage that part of road authorized to be located in this Commonwealth.

SECTION 3. One director of said railroad corporation shall reside in this Commonwealth, and as to its railroad and property in this Commonwealth and the use and management thereof said corporation shall be subject to the general laws which are now or may be hereafter in force in relation to railroad corporations. One director to reside in this Commonwealth.

SECTION 4. Said corporation shall locate and construct the extension hereby authorized before the first day of December in the year eighteen hundred and ninety-two. To be constructed before Dec. 1, 1892.

SECTION 5. Said corporation shall in respect to the construction of a bridge across the Connecticut river be subject to the provisions of section two of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five. Construction of bridge.

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

Approved June 3, 1889.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-NINE OF THE PUBLIC STATUTES RELATING TO PROOF OF STATUTES. Chap. 387

Be it enacted, etc., as follows:

SECTION 1. Section sixty-nine of chapter one hundred and sixty-nine of the Public Statutes is amended by inserting after the word "government" in the third line, the words: — and copies of the rules and regulations of a board of aldermen, the ordinances of a city and the by-laws of a town, when attested by the clerk of such city or town, — so that said section shall read as follows: — *Section 69.* The printed copies of all statutes, acts and Proof of statutes and of ordinances, by laws, etc. P. S. 169, § 69.

resolves of the Commonwealth, whether of a public or private nature, published under the authority of the government, and copies of the rules and regulations of a board of aldermen, the ordinances of a city and the by-laws of a town, when attested by the clerk of such city or town, shall be admitted as sufficient evidence thereof in all courts of law, and on all occasions whatsoever.

Amendment to
P. S. 169, § 70.

SECTION 2. Section seventy of said chapter is amended by inserting after the word "Commonwealth" in the second line, the words: — and of any city or town, — and by adding at the end of the section the words: — or by the clerk of said city or town, as the case may be, — so that said section shall read as follows: — *Section 70.* Copies of books, papers, documents and records in the executive and other departments of the Commonwealth, and of any city or town, duly authenticated by the attestation of the officer having charge of the same, shall be competent evidence in all cases equally with the originals thereof, if the genuineness of the signature of such officer is attested by the secretary of the Commonwealth under its seal, or by the clerk of such city or town, as the case may be.

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

Approved June 3, 1889.

Chap 388

AN ACT TO AMEND THE CHARTER OF THE MILTON WATER COMPANY AND TO AUTHORIZE SAID CORPORATION TO CONSOLIDATE WITH THE BRUSH HILL WATER COMPANY.

Be it enacted, etc., as follows:

Milton Water
Company may
consolidate with
the Brush Hill
Water Com-
pany.

SECTION 1. Section two of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-eight is hereby amended by inserting in the nineteenth line thereof, after the words "city of Boston" the words: — or with the Brush Hill Water Company, or with the Hyde Park Water Company, or the successors or assigns of either or any of them, — and by inserting in the twenty-fourth line thereof, after the words "city of Boston" the words: — and said Brush Hill Water Company, and said Hyde Park Water Company, and their respective successors and assigns.

Subject to con-
tracts made
with other cor-
porations, etc.

SECTION 2. Section nine of said chapter four hundred and eleven is hereby amended by inserting after the words "city of Boston" in the fourteenth line thereof, the words: — or any other corporation or persons, — and

by striking out the words “in this act” in the said fourteenth line, and inserting in place thereof the words:—
by law.

SECTION 3. The Milton Water Company is hereby authorized and empowered to purchase the franchise, corporate property and all the rights and privileges of the Brush Hill Water Company on such terms as may be agreed upon by the respective boards of directors of said corporations, and as shall be approved at meetings called for the purpose by the votes of a majority in interest of the stockholders of said companies respectively. But such purchase shall be subject to any and all contracts which may have been made by said Brush Hill Water Company with the Hyde Park Water Company or with the town of Canton: *provided, however*, that no such purchase shall be valid or authorized, nor such consolidation take place or be of effect or virtue, unless or until ratified and consented to by a majority vote of the voters of the town of Milton present and voting thereon at an annual town meeting, or at a special town meeting called for that purpose within one year after the terms of purchase or consolidation shall have been agreed to by the stockholders of the respective companies as above set forth.

Milton Water Company may purchase franchise and property.

Proviso.

Approved June 3, 1889.

AN ACT TO AUTHORIZE THE MASSACHUSETTS UNIVERSALIST CONVENTION TO TAKE A SUM OF MONEY IN TRUST UNDER THE WILL OF GEORGE SMITH.

Chap.389

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts Universalist Convention is authorized and empowered to receive, hold and manage, according to its terms, a bequest made to it for charitable purposes under the will of George Smith, late of Boston, in the county of Suffolk, deceased.

May hold, etc., bequest under will of George Smith.

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

Approved June 3, 1889.

AN ACT RELATING TO THE RECOVERY OF DAMAGES FOR SALES OF INTOXICATING LIQUORS TO MINORS.

Chap.390

Be it enacted, etc., as follows:

SECTION 1. Section twenty-four of chapter one hundred of the Public Statutes is hereby amended by inserting after the word “minor” in the second line thereof the words:—
either for his own use, the use of his parent or of any

Recovery of damages for sales of intoxicating liquors to minors.

other person, — and also by adding at the end of said section the following words: — Actions and suits for penalties and forfeitures under this section shall be commenced within two years after the offence is committed and not afterwards, — so as to read as follows: — *Section 24.* Whoever, by himself or his agent or servant, sells or gives intoxicating liquors to a minor, either for his own use, the use of his parent or of any other person, or allows a minor to loiter upon the premises where such sales are made, shall forfeit one hundred dollars for each offence, to be recovered by the parent or guardian of such minor in an action of tort. Actions and suits for penalties and forfeitures under this section shall be commenced within two years after the offence is committed and not afterwards.

Amendment to
P. S. 100, § 24.

Not to apply to
sales upon pre-
scriptions.

SECTION 2. Nothing herein contained with reference to penalties and forfeitures shall be held to apply to sales made by holders of sixth class licenses when said sales are made upon the written prescription of a practising physician.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved June 3, 1889.*

Chap. 391 AN ACT AUTHORIZING CITIES AND TOWNS TO PROHIBIT THE TAKING OF EELS AND SHELL-FISH

Be it enacted, etc., as follows:

Cities and towns
may regulate
the taking of
eels and shell-
fish.

SECTION 1. Section sixty-eight of chapter ninety-one of the Public Statutes is hereby amended by adding after the word “regulate” in line three of said section the words: — or prohibit, — so that the said section shall read as follows: — *Section 68.* The mayor and aldermen of cities and the selectmen of towns, when so instructed by their cities and towns, may control and regulate or prohibit the taking of eels, clams, quahaugs, and scallops within the same, including ponds which are now or may hereafter be leased by the commissioners; and may grant permits prescribing the times and methods of taking eels and the shell-fish above named within such cities and towns, and make such other regulations in regard to said fisheries as they may deem expedient. But any inhabitant of the Commonwealth, without such permit, may take, from the waters of his own or any other city or town, eels and the shell-fish above named for his own family use; and may take from the waters of his own city

Inhabitants may
take eels, etc.,
for family use.

or town any of the shell-fish above named for bait, not exceeding three bushels, including shells, in any one day, but subject nevertheless to the general rules prescribed by the mayor and aldermen and selectmen respectively as to the times and methods of taking such fish. Nothing herein contained shall be construed as allowing the taking of any kind of fish in violation of section thirty-four or thirty-five.

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

Approved June 3, 1889.

AN ACT TO AUTHORIZE THE TOWN OF RAYNHAM TO RAISE MONEY FOR THE CELEBRATION OF THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF THE SETTLEMENT OF TAUNTON.

Chap. 392

Be it enacted, etc., as follows:

SECTION 1. The town of Raynham is hereby authorized to raise by taxation an amount of money not exceeding five hundred dollars for the purpose of celebrating, in the month of June of the year eighteen hundred and eighty-nine, the two hundred and fiftieth anniversary of the settlement of Taunton as a town.

May raise money for celebration of anniversary of settlement of Taunton.

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

Approved June 3, 1889.

AN ACT TO PROVIDE FOR FILING COPIES OF REGISTERS OF FOREIGN VESSELS AND FOR SERVICE OF PROCESS ON CERTAIN PERSONS AND FOREIGN CORPORATIONS.

Chap. 393

Be it enacted, etc., as follows:

SECTION 1. Every person or corporation which owns or manages any foreign vessel running or advertised to run to any port in this Commonwealth, shall file in the office of the commissioner of corporations a true copy of the register of such vessel and a list of the names of the owners thereof, authenticated by the oath of the person filing the same; and whenever such register or owners shall be changed such person or corporation shall file a true copy of the new register and a new list of the owners, authenticated as aforesaid, within thirty days from the making of such change.

Copies of registers of foreign vessels, with list of names of owners, to be filed with commissioner of corporations.

SECTION 2. Sections one and two of chapter three hundred and thirty of the acts of the year eighteen hundred and eighty-four shall apply to all such persons and corporations as are described in section one of this act.

Provisions of 1884, 350, §§ 1, 2 to apply.

Penalty.

SECTION 3. Any person or corporation that fails to comply with the provisions of this act, and every agent of such person or corporation who transacts business as such in this Commonwealth after such failure, shall be liable to a fine not exceeding five hundred dollars; but such failure shall not affect the validity of any contract made with such person or corporation. Every such person or corporation shall upon the filing of such copy of register and list of owners pay into the treasury a fee of ten dollars therefor.

Fee to be paid into treasury.

May be enforced in equity.

SECTION 4. Compliance with the provisions of this act may be enforced in the ordinary course of equity procedure by information brought by the attorney-general at the relation of the commissioner of corporations.

Approved June 3, 1889.

Chap. 394 AN ACT TO PROVIDE FOR THE ENLARGEMENT OF THE STATE HOUSE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

State House
Construction
Commissioners
to be appointed.

SECTION 1. The governor with the advice and consent of the council is hereby authorized within thirty days after the passage of this act to appoint three persons, one of whom shall be an experienced builder, who shall be known as the State House Construction Commissioners; shall hold office a sufficient time to accomplish the purposes of this act, and shall receive such compensation while engaged in the service of the Commonwealth as the governor and council shall determine. Any vacancy occurring in said board shall be filled by the governor with the advice and consent of the council.

To erect a fire
proof addition
to the state
house.

SECTION 2. Said commissioners shall at once proceed to erect upon the land heretofore or hereafter to be acquired by the Commonwealth under chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight and over that part of Mount Vernon street in said Boston immediately in the rear and northerly of the present state house a fire proof addition to said state house, and to make the alterations contemplated in the present state house under and substantially in accordance with the plans accompanying the message of the governor submitted to the legislature on the tenth day of April eighteen hundred and eighty-nine. The detail drawings and specifications of construction when made shall be submitted to and approved by the governor and council, but no work shall be commenced until plans and specifications shall have been prepared and approved.

SECTION 3. Said commissioners are authorized under direction of the governor and council to negotiate with the city of Boston for arching over that part of Mount Vernon street on the northerly side of the state house, substantially in the manner shown on said plans, and they may subject to the approval of the governor and council agree on behalf of the Commonwealth with the city of Boston upon the terms and conditions on which said addition to the state house may be carried over said portion of said Mount Vernon street.

May negotiate with city of Boston for arching Mount Vernon street.

SECTION 4. Said commissioners are hereby authorized to make on behalf of the Commonwealth all contracts for the construction of said building, provided that all work on said building shall be done by express contract, and that proposals for work or material exceeding one thousand dollars in value shall be advertised for in at least two daily papers published in the city of Boston and one each in the cities of Worcester, Springfield, Fall River and Lowell.

To make contracts for construction, etc.

SECTION 5. Said commissioners are authorized and directed to employ competent architects, and may also if they deem it advisable employ a superintendent, the amount of whose compensation shall be fixed by the governor and council.

May employ architects, etc.

SECTION 6. No commissioner appointed under this act shall be directly or indirectly in any way interested in any contract made under this act, under penalty of removal from office by the governor and council and punishment as provided in chapter two hundred and five, section eleven, of the Public Statutes.

Not to be interested in any contract.

SECTION 7. To meet the expenses incurred under this act, the treasurer and receiver-general shall as required with the approval of the governor and council issue scrip or certificates of debt in the name and behalf of the Commonwealth, and under its seal and countersigned by the governor, to an amount not exceeding two millions five hundred thousand dollars to be designated, State House Construction Loan; said scrip shall be issued as registered bonds or with interest coupons attached; shall mature not more than twenty years from the date of its issue, shall bear interest at a rate not exceeding three per centum per annum, payable semi-annually on the first days of April and October in each year; shall be redeemable at maturity in gold coin of the United States and shall be

State House Construction Loan not to exceed \$2,500,000.

sold in such instalments as the governor and council may determine by public advertisement to the highest bidder, at not less than the par value thereof, or in such other manner as the governor and council may determine to be for the best interests of the Commonwealth.

Sinking fund to be established.

SECTION 8. The treasurer and receiver-general shall on issuing any of said scrip establish a sinking fund and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at its maturity. The amount necessary each year to pay the interest and sinking fund requirements of said scrip shall be included in and be made a part of the annual state tax levy, and any premium over the par value of said scrip received on the sale thereof shall form part of the sinking fund for its redemption.

Commissioners to report annually to the governor.

SECTION 9. Said commissioners shall annually in the month of December report to the governor the progress of the work, the contracts outstanding, the sums expended to the date of such report, and the governor shall transmit such report in print to the legislature with his annual message.

SECTION 10. This act shall take effect upon its passage.

Approved June 4, 1889.

Chap.395

AN ACT PROVIDING FOR THE BURIAL OF DECEASED INDIGENT OR FRIENDLESS SOLDIERS, SAILORS OR MARINES OF THE LATE WAR.

Be it enacted, etc., as follows:

Burial of deceased soldiers, etc., by cities and towns.

SECTION 1. It shall be the duty of the mayor of each city and of the selectmen of each town of the Commonwealth to designate some suitable person or persons, who shall serve without compensation, and shall be other than the overseers of the poor or those employed by them, whose duty it shall be, under regulations established by the commissioners of state or military aid, to cause to be properly interred the body of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the late war who may hereafter die in such city or town without leaving sufficient means to defray funeral expenses.

Expense limited, etc.

SECTION 2. The expense of such burial shall not exceed the sum of thirty-five dollars. Such burial shall not be made in any cemetery or burial ground used exclusively for the burial of the pauper dead or in that portion of any burial ground so used: and *provided*, that in case

relatives of the deceased who are unable to bear the expense of burial desire to conduct the funeral they may be allowed to do so and the expense shall be paid as herein provided.

SECTION 3. One-half of all sums allowed and expended under section two of this act, but with no expense for the disbursement of the same, shall be reimbursed from the treasury of the Commonwealth to the several cities and towns which have expended the same on or before the first day of December in the year next after such expenditure.

One-half to be reimbursed from the state treasury.

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

Approved June 4, 1889.

AN ACT TO AUTHORIZE THE REFUNDING TO JAMES DONOGHUE OF MONEY PAID BY HIM AS BONDSMAN FOR THOMAS F. DONOGHUE FROM THE TREASURY OF THE COUNTY OF PLYMOUTH.

Chap.396

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Plymouth may pay to James Donoghue of Abington in said county, a sum not exceeding six hundred dollars as amends to him and in full payment and satisfaction for all money paid by him into the treasury of said county as bondsman of Thomas F. Donoghue.

May pay \$600 to James Donoghue.

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

Approved June 4, 1889.

AN ACT TO RATIFY CERTAIN PROCEEDINGS OF THE TOWN OF BERKLEY.

Chap.397

Be it enacted, etc., as follows:

SECTION 1. The vote of the town of Berkley, passed at its annual meeting held on the fourth day of March in the year eighteen hundred and eighty-nine, appropriating the sum of fifty dollars to take part in the celebration of the incorporation of the town of Taunton, is hereby ratified and made valid.

Proceedings ratified.

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

Approved June 4, 1889.

AN ACT PROVIDING FOR THE REGULATION AND REMOVAL OF POSTS, WIRES AND OTHER STRUCTURES IN OR UNDER PUBLIC WAYS AND PLACES.

Chap.398

Be it enacted, etc., as follows:

SECTION 1. All provisions of law granting to cities and towns authority to regulate telegraph and telephone

Removal of posts, wires, etc.

lines shall, so far as applicable, apply to every corporation, copartnership or person having authority to place posts, wires, structures and other appliances for any purpose in or under public ways or places, and the selectmen of towns and the board of aldermen in cities may cause the removal at the expense of the owner or owners of any unused posts, wires, structures or other appliances.

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

Approved June 4, 1889.

Chap. 399 AN ACT TO PROTECT THE PROPERTY OF THE HUMANE SOCIETY OF THE COMMONWEALTH OF MASSACHUSETTS.

Be it enacted, etc., as follows:

Protection of property of the Humane Society, etc.

Section one hundred and six of chapter two hundred and three of the Public Statutes is hereby amended by inserting after the word "society" in the second line of said section the words:—of the Commonwealth of Massachusetts,—by striking out the word "one" in the eleventh line of said section and inserting in place thereof the word:—two,—by striking out the words "ninety days" in the twelfth line of said section and inserting in place thereof the words:—six months,—and by adding at the end of said section the following words:—One-half of any fine paid under this section shall be paid to the person giving information upon which the conviction shall be obtained,—so as to read as follows:—*Section 106.*

Penalties for injury to property.

Whoever unlawfully enters a house or hut, the property of the Humane Society of the Commonwealth of Massachusetts, and wilfully injures, destroys, removes or carries away any food, fuel, oil, candles, furniture, utensils or other property belonging to said society, or unlawfully or wilfully enters any boat-house of said society, and carries away, removes or injures any life-boat, car, or any of the ropes, tackle, oars or any appurtenance thereof, or wilfully injures or destroys or unlawfully uses or commits any trespass upon the property of said society intended or kept for the purpose of saving or preserving human life, or commits any trespass upon such hut or boat-house, shall be punished by fine not exceeding two hundred dollars, or by imprisonment in the jail not exceeding six months; but the penalties of this section shall not apply to persons for whose use said boats, houses and other property are intended and kept. Pilots, commissioners of wrecks, sheriffs and their deputies, and constables shall make

complaint against all persons guilty of any offence under this section. One-half of any fine paid under this section shall be paid to the person giving information upon which the conviction shall be obtained.

Approved June 4, 1889.

AN ACT TO CONFIRM THE TITLE TO CERTAIN REAL ESTATE IN THE CITY OF QUINCY USED AND OCCUPIED BY THE WASHINGTON STREET CONGREGATIONAL SOCIETY.

Chap.400

Be it enacted, etc., as follows :

SECTION 1. The Washington Street Congregational society, a corporation organized for religious purposes under the laws of this Commonwealth, which now worship in a certain meeting-house built for and once occupied by the methodist episcopal church, situated on the corner of Washington and South streets in that part of the city of Quincy, in the county of Norfolk, called Quincy Point, bounded southerly on South-street, six and one-half rods ; westerly on land now or formerly of Benjamin Bramhall, six rods ; northerly on land now or formerly of said Bramhall, six and one-half rods, and easterly on said Washington street, six rods, are hereby declared in law to be seized in fee of the said meeting-house, with the said parcel of land above described, for its use, with all the rights, privileges and appurtenances to the same belonging, subject however to any and all rights not heretofore released to said society which any person or persons had in and to any pew or pews in said meeting-house when the same was used and occupied by the methodist episcopal church : *provided*, that such person or persons, if any, shall make claim on said society for such pew or pews within ten years from the passage of this act.

Title to real estate confirmed.

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

Approved June 4, 1889.

AN ACT RELATIVE TO RECORDING OF ATTACHMENTS OF REAL ESTATE IN REGISTRIES OF DEEDS.

Chap.401

Be it enacted, etc., as follows :

SECTION 1. Section sixty-two of chapter one hundred and sixty-one of the Public Statutes is hereby amended by striking out the words "except Suffolk" in the eighth and ninth lines thereof, and also by striking out the words "in the office of the clerk of the courts for such county ; if in Suffolk county" in the eleventh and twelfth

Attachments of real estate to be recorded in registry of deeds.

lines thereof, so as to read as follows: — *Section 62.* No attachment of real estate or of any leasehold estates on mesne process shall be valid against a subsequent attaching creditor, or against a person who afterwards purchases the same for a valuable consideration and in good faith, unless the original writ or a copy thereof, (which copy shall be certified by the officer, but need not contain the declaration in the writ,) and so much of the officer's return thereon as relates to the attachment of the estate, is deposited as follows; to wit: if the lands attached lie in a county where there is but one office for the registry of deeds, such writ or copy shall be deposited in the registry of deeds for said county; and if in a county where there is more than one office for the registry of deeds, then in the registry of deeds for the district where the attached lands lie.

To take effect
Sept. 1, 1889.

SECTION 2. This act shall take effect upon the first day of September in the year eighteen hundred and eighty-nine.

Approved June 4, 1889.

Chap.402 AN ACT TO ESTABLISH THE SALARIES OF THE ATTORNEY-GENERAL AND OF THE FIRST AND SECOND ASSISTANT ATTORNEYS-GENERAL.

Be it enacted, etc., as follows:

Salary of
attorney-general.

SECTION 1. The salary of the attorney-general shall be five thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine, and at the same rate for any portion of a year.

Salaries of first
and second
assistant
attorneys-general.

SECTION 2. The salary of the first assistant attorney-general shall be twenty-five hundred dollars a year, and of the second assistant attorney-general fifteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine, and at the same rate for any portion of a year.

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

Approved June 4, 1889.

Chap.403 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO BORROW MONEY FOR THE PURPOSE OF ESTABLISHING A TRUANT SCHOOL OR SCHOOLS.

Be it enacted, etc., as follows:

May borrow
money to estab-
lish truant
schools.

SECTION 1. The county commissioners of the county of Essex are hereby authorized to borrow a sum of money not exceeding twenty-five thousand dollars, for the pur-

pose of establishing a truant school or schools, and providing suitable land and buildings for the same. •

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

Approved June 4, 1889.

AN ACT RELATIVE TO THE CORRECTION OF TAX BILLS AND THE
REGISTRATION OF VOTERS. *Chap. 404*

Be it enacted, etc., as follows:

SECTION 1. Section twenty-six of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four is amended by striking out at the beginning thereof the words "In the several cities of this Commonwealth, except the city of Boston, all errors in names upon tax bills of persons assessed shall be corrected on said tax bills by the board of assessors or the board acting as registrars of voters, and also on forms of certificates specially prepared for the purpose", and by inserting in place thereof the following words:—In the several cities of the Commonwealth, except the city of Boston, corrections of errors in names upon tax bills of persons assessed shall be made by the board of assessors upon such tax bills and also upon forms of certificates prepared for the purpose on personal application of the persons assessed, or such corrections may be made by the board acting as registrars of voters when application is made to them by the persons assessed for the purpose of registering as voters.

Amendment to
1884, 298, § 26.

Corrections of
errors in names
upon tax bills.

SECTION 2. Section nine of chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-eight, relating to registration in the city of Boston, as amended by section one of chapter two hundred and twenty-five of the acts of the year eighteen hundred and eighty is hereby further amended by striking out at the beginning thereof the words "All corrections of assessed names upon tax bills shall be made by the board of assessors, the registrars of voters, or assistant registrars, on a form of certificate specially prepared for the purpose", and by inserting in place thereof the words:—All corrections of errors in names upon tax bills of persons assessed shall be made by the board of assessors upon such tax bills and also on forms of certificates prepared for the purpose on personal application of the persons assessed, or such corrections may be made by the registrars or assistant registrars of voters when appli-

Amendment to
1878, 243, § 9.
1880, 225, § 7.

Corrections of
errors in names
on tax bills in
the city of
Boston.

cation is made to them by the persons assessed for the purpose of registering as voters.

Amendment to
1884, 298, § 20.

SECTION 3. Section twenty of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out in the eighth line thereof the words "previously determined by them," and by inserting in place thereof the words:—determined by them within four years next preceding his application,—and also by inserting in the eleventh line of said section after the words "his name" the words:—in the register,—so as to read as follows:

Registrars to
publish notice to
all persons to
present them-
selves for
registration.

—*Section 20.* The registrars of voters shall cause proper notices to be published or posted, and proper opportunity given at least twenty days before the annual city or town election and at least thirty days before the Tuesday next after the first Monday in November annually, to all persons to present themselves for registration; and thereafter before registering any person whose qualifications have not been determined by them within four years next preceding his application, they shall examine him under oath in regard to his qualifications to vote, and shall require such person to write his name in the register and read in the official edition thereof at least three lines of the constitution, other than the title, in such manner as to show that he is not prompted nor reciting from memory, before they place his name on said register, unless such person is exempted by article twenty of the amendments to the constitution.

Qualifications to
be ascertained
before
registering.

Name to be
announced in an
audible voice
before entry
upon list.

SECTION 4. Registrars and assistant registrars of voters shall before adding any name to the list of registered voters announce the same in a distinct tone of voice, clear and audible, and any registrar or assistant registrar who shall wilfully violate the provisions of this section shall be punished by a fine of not more than three hundred dollars for each offence.

Name of person
deceased, pre-
cinct, street,
etc., to be stated
in list trans-
mitted.

SECTION 5. The clerk or registrar of each city or town, in transmitting monthly to the registrars of voters of such city or town the names of male persons over twenty-one years of age deceased within the preceding month or since the last time of transmitting such list, shall also state the precinct, the name of the street and the number of the house, if any, where such person last resided, whenever the same can be ascertained.

Approved June 4, 1889.

AN ACT TO SUPPLY THE TOWN OF READING WITH WATER.

*Chap. 405**Be it enacted, etc., as follows:*

SECTION 1. The town of Reading, for the purpose of supplying said town and the inhabitants thereof with pure water for the extinguishment of fires and for domestic and other purposes, may take by gift, purchase or otherwise the water of any well, spring or stream within said town, and obtain and take water by means of bored, driven or artesian wells within said town, and hold and convey said water through said town, and may also take and hold by gift, purchase or otherwise any land, rights of way and easements necessary for obtaining and taking said water, and 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 water.

Town of Reading may supply itself with water.

SECTION 2. Said town 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 water commissioners hereinafter provided for.

To record in the registry of deeds a description of lands, etc., taken.

SECTION 3. Said town, for the purpose aforesaid, may bore or drive wells, construct aqueducts, 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 town may also, for the purposes aforesaid, carry any pipe, drain or aqueduct over or under any 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.

May bore wells and construct aqueducts.

May enter upon and dig up roads.

Liability of town for damages.

SECTION 4. Said town 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. 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.

Application for damage not to be made until water is diverted.

SECTION 5. 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 town under the authority of this act.

Reading Water Loan not to exceed \$100,000.

SECTION 6. 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, Reading 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. The said town may sell such securities at public auction 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. 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, after the expiration of five years from the first issuance of said loan, contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity.

Sinking fund to be established.

The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 7. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such proportionate payments, after the expiration of five years from the first issuance of said loan, 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.

May provide for proportionate payments instead of establishing sinking fund.

SECTION 8. 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.

Return to state amount of sinking fund, etc., established.

SECTION 9. 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.

May raise by taxation, etc., sufficient for current annual expenses and interest.

SECTION 10. 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.

Penalty for wilfully corrupting or diverting water, etc.

SECTION 11. The said town shall, after the 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,

Board of water commissioners to be elected.

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.

Subject to acceptance by a two-thirds vote within three years.

SECTION 12. 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.

Approved June 4, 1889.

Chap. 406 AN ACT RELATING TO COMPOSITION WITH CREDITORS IN INSOLVENCY.

Be it enacted, etc., as follows:

Composition with creditors in insolvency, proof of claims, etc.

SECTION 1. In proceedings in insolvency under chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four and amendments thereto, when no warrant is issued, the date of giving notice by the register to the creditors of the debtor's proposal of composition as required by law shall have the same effect in respect to the proof of claims and the debtor's discharge as the date of the first publication of issuing the warrant in voluntary cases in insolvency.

Discharge to dissolve attachment on mesne process made within four months.

SECTION 2. The discharge granted by the court under chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four and amendments thereto shall be effectual to dissolve any attachment on mesne process made not more than four months prior to the time of giving notice by the register to the creditors of the debtor's proposal of composition as required by law.

Debtor to be present at hearing and may be examined.

SECTION 3. Section six of chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four is hereby amended to read as follows: — The

debtor shall be present at the hearing and may then be examined by the court or by any creditor touching his estate or his dealings therein, and all pertinent evidence may be offered. At any time before the hearing is closed the debtor may file any modification of his proposal, which shall thereafter be considered as the proposal. Upon the filing of any such modification the court shall order a hearing thereon as early as may be, of which the register shall send notice by mail, postpaid, to all known creditors not less than seven days before the day appointed therefor, stating the substance of the proposal. This hearing shall be adjourned in accordance with section two of chapter three hundred and fifty-three of the acts of the year eighteen hundred and eighty-four, the provisions of which section shall apply in all cases where a modified offer is made as aforesaid.

May file a modification of his proposal.

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

Approved June 4, 1889.

AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF CERTAIN BRIDGES ACROSS NAVIGABLE RIVERS IN THE TOWN OF FALMOUTH.

Chap 407

Be it enacted, etc., as follows :

SECTION 1. The authority given by chapter one hundred and twenty-five of the acts of the year eighteen hundred and seventy-seven, to construct a bridge across the rivers in the town of Falmouth named in said act, is hereby revived and extended for the term of five years from the passage of this act, subject to the provisions of chapter nineteen of the Public Statutes.

Act revived and extended.

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

Approved June 4, 1889.

AN ACT IN RELATION TO THE OFFICERS OF THE MASSACHUSETTS REFORMATORY.

Chap 408

Be it enacted, etc., as follows :

SECTION 1. The officers of the Massachusetts reformatory at Concord shall consist of one superintendent, one deputy superintendent, one instructor, one physician, one clerk, four turnkeys, one engineer, and as many watchmen as the superintendent, subject to the approval of the commissioners of prisons, may deem necessary, but shall not exceed forty-six in number.

Officers at Massachusetts reformatory.

SECTION 2. The superintendent of said reformatory shall receive a salary of thirty-five hundred dollars a year; the

Salaries.

Salaries.

instructor, a salary of two thousand dollars a year; the physician, a salary of one thousand dollars a year. The officers appointed by the superintendent shall receive annual salaries herein respectively set forth as follows, to wit: — the deputy superintendent, two thousand dollars a year; the clerk, two thousand dollars a year; the engineer, fifteen hundred dollars a year; each of the turnkeys shall receive an annual salary of twelve hundred dollars, and each of the watchmen shall receive an annual salary to be ascertained as follows: — Any watchman who shall have been in the service of said reformatory for less than three years, eight hundred dollars; any watchman who has been in said service for three years and less than six years, one thousand dollars; any watchman who has been in said service for six years, twelve hundred dollars; but this shall not apply to those officers of the reformatory in service at the passage of this act, known as watchmen, so far as reducing any of their salaries is concerned. In fixing the rate of compensation of the officers as aforesaid previous service in any prison of the Commonwealth shall be considered. No other perquisite, reward or emolument shall be allowed to or received by any of the said officers, except that there shall be allowed to the superintendent and deputy superintendent sufficient house room with fuel and lights for themselves and their families. The salaries hereby authorized shall take effect on the first day of April in the year eighteen hundred and eighty-nine.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved June 4, 1889.

Chap. 409 AN ACT TO CHANGE THE NAME OF THE SUFFOLK TRUST AND INVESTMENT COMPANY.

Be it enacted, etc., as follows:

Name changed
to Suffolk Trust
Company.

The name of the Suffolk Trust and Investment Company, incorporated by chapter two hundred and forty-one of the acts of the year eighteen hundred and eighty-seven, is hereby changed to Suffolk Trust Company.

Approved June 4, 1889.

AN ACT TO AUTHORIZE THE MARINE SOCIETY AT SALEM TO ACCEPT THE TRUST CREATED BY THE WILL OF HENRY BARR AND TO ADMINISTER THE SAME. *Chap.410*

Be it enacted, etc., as follows:

SECTION 1. The Marine Society at Salem may, if appointed thereto by the supreme judicial court, accept the trust created by the will of Henry Barr, late of Salem in the Commonwealth of Massachusetts, which was proved and allowed by the probate court for the county of Essex on the sixteenth day of August in the year eighteen hundred and thirty-six, for the purpose of erecting and supporting a Bethel church in said Salem for the accommodation of seamen to have the gospel preached to them, to hold the property by said will bequeathed, and to administer the trust in accordance with said will. May accept trust created by the will of Henry Barr.

SECTION 2. This act shall take effect upon its passage.
Approved June 4, 1889.

AN ACT TO INCORPORATE THE CITY OF PITTSFIELD. *Chap.411*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Pittsfield shall, in case of the acceptance of this act by the voters of said town as hereinafter provided, continue to be a body politic and corporate under the name of the city of Pittsfield, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now pertaining to and incumbent upon the said town as a municipal corporation. City of Pittsfield, incorporated.

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 to be called the board of aldermen and one council to be called the common council; which councils in their joint capacity shall be denominated the city council. The general management and control of the public schools of said city shall be vested in a school committee. Government vested in the mayor, the board of aldermen and the common council.
School committee.

SECTION 3. The territory of said city shall be divided into seven wards as hereinafter provided. Seven wards.

SECTION 4. The municipal election shall take place annually on the first Tuesday of December, and the Election on first Tuesday of December.

municipal year shall begin on the first Monday of January following. All meetings of the citizens for municipal purposes shall be called by warrants issued by order of the mayor and board of aldermen, which shall be in such form and be served and returned in such manner and at such times as the city council may by ordinance direct.

Officers to be chosen at the municipal election.

SECTION 5. At such municipal election the qualified voters shall give in their votes by ballot for mayor, aldermen, common councilmen and school committee in accordance with the provisions of this act and the laws of the Commonwealth. Any person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office, the several persons, to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected, and each person so elected shall be notified of his election in writing by the city clerk. If it shall appear that there is no choice of mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur subsequently, the board of aldermen shall cause warrants to be issued for a new election and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor, and repeated until the election of a mayor is completed. If the full number of members of either branch of the city council shall fail to be elected, or a vacancy shall occur in either branch, such branch shall declare a vacancy or vacancies to exist, and thereupon the board of aldermen shall cause a new election to be held to fill the same. The person thus elected to fill a vacancy shall hold the office for the remainder of the term.

Vacancies.

Election of national, state, county and district officers.

SECTION 6. All meetings for the election of national, state, county and district officers shall be called by the mayor and board of aldermen in the same manner as meetings for municipal elections are called.

Ward rooms for holding meetings.

SECTION 7. The board of aldermen may, when no convenient ward room for holding the meeting of the citizens of any ward can be had within the territorial limits of such ward, appoint and direct, in the warrant for calling the meeting of such ward, that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purposes the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

SECTION 8. General meetings of the citizens qualified to vote may from time to time be held according to the rights secured to the people by the constitution of this Commonwealth, and such meetings may, and upon request in writing of fifty qualified voters setting forth the purposes thereof shall, be duly called by the mayor and board of aldermen.

General meetings of citizens may be held.

SECTION 9. The mayor shall be elected by the qualified voters of the entire city, and shall hold office for the municipal year beginning with the first Monday in January next succeeding the election and until his successor is elected and qualified. He shall be the chief executive officer of the city, and it shall be his duty to be active and vigilant in causing the laws, ordinances and regulations of the city to be enforced and to keep a general supervision over the conduct of all subordinate officers. He shall have the power of veto provided by general law. He may suspend any officer, and may suspend any work or payment whether on contract or otherwise for a period not exceeding seven days, but in such case he shall report his action with his reasons therefor to the city council, which shall take immediate action thereon. He may call special meetings of the city council or either branch thereof when in his opinion the interests of the city require it, by causing notice to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to the city council or either branch thereof such information and recommend such measures as the business and interests of the city may in his opinion require. He shall, when present, preside in the board of aldermen and in convention of the two boards, but shall have no vote except in case of an equal division. He shall receive a salary of one thousand dollars, and the same shall be payable at stated periods. He shall receive no other compensation for his services.

Mayor to hold office for the municipal year and until successor is elected and qualified.

May suspend any officer or work.

Salary.

SECTION 10. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, a city marshal or chief of police, and such number of other police officers and constables as the city council shall determine. The chief of police and all other police officers shall hold office during good behavior and until removed by the mayor with the concurrence of the board of aldermen after hearing, for cause in their opinion sufficient. The board of aldermen may require any person who may be

Mayor to appoint, subject to confirmation, police officers and constables.

appointed a chief of police or constable to give a bond, with such security and to such an amount as they may deem reasonable and proper, for the faithful discharge of the duties of the office, upon which bonds like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council.

Vacancy in office of mayor.

SECTION 11. Whenever there shall be a vacancy in the office of mayor, or whenever by reason of sickness, absence from the city or other cause, the mayor shall be disabled from attending to the duties of his office, the president of the board of aldermen shall act as mayor and possess all the rights and powers of mayor during such vacancy or disability.

One alderman and two councilmen, to be elected by and from each ward.

SECTION 12. One alderman shall be elected by and from the qualified voters of each ward. Two common councilmen shall be elected by and from the qualified voters of each ward. No person shall be eligible for election as alderman or common councilman who is not at the time of his election a resident of the ward from which he is chosen, but a removal subsequently to another ward of said city shall not disqualify any such officer from discharging the duties of his office. The aldermen and common councilmen shall hold office for the municipal year beginning with the first Monday in January next succeeding their election and respectively until a majority of the succeeding boards shall be elected and qualified. They shall be sworn to the faithful discharge of their duties and they shall receive no compensation for their services. A majority of each board shall constitute a quorum for the transaction of business.

Meeting for organization on the first Monday in January.

SECTION 13. On the first Monday of January at ten o'clock in the forenoon, the mayor, aldermen and common councilmen elect shall meet in joint convention, when they shall be sworn to the faithful discharge of the duties of their respective offices. The oath may be administered by the city clerk or by any justice of the peace, and a certificate of such oath having been taken shall be entered on the journals of the board of aldermen and of the common council by their respective clerks. After the oath has been administered as aforesaid the two boards shall separate. The common council shall be organized by the choice of a president, and clerk, to hold their offices re-

Organization of common council.

spectively during the municipal year. The clerk shall be sworn to the faithful discharge of his duties, and his compensation shall be fixed by concurrent vote of the city council. The board of aldermen shall choose a president, who shall preside at meetings of the board of aldermen and of the two councils in joint convention in the absence of the mayor. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not have been then elected, the city council shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may at any time thereafter be administered to the mayor and any member of the city council who has been previously absent or has been subsequently elected, and every oath shall be duly certified as aforesaid. Each board shall keep a record of its own proceedings and be the judge of the election of its own members.

Organization of board of aldermen.

Record of proceedings.

SECTION 14. The city clerk shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen and do such other acts in his said capacity as the city council may require of him. He shall be the clerk of the board of aldermen and of the city council in convention, and shall keep a journal of all votes and proceedings. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances. He shall perform such other duties as are required by law or shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk, the mayor, with the consent of the board of aldermen, may appoint a clerk pro tempore, who shall be duly qualified.

Duties of city clerk.

SECTION 15. The executive power of said city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Pittsfield, and in the officers of the Pittsfield fire district, and in the selectmen of towns generally by the laws of the Commonwealth, shall be vested in and exercised by the mayor and aldermen as fully as if the same were herein specially enumerated, except as herein otherwise provided.

Executive power vested in mayor and aldermen.

SECTION 16. The city council shall appropriate annually the amount necessary to meet the expenditures of

City council to make annual appropriations.

the city for the current municipal year; and such appropriations shall not be increased except by a vote of two-thirds of each board voting by yeas and nays. It shall take care that no money is paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money. It shall, as often as once in each year, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures of said city and a schedule of all city property and of the city debt. It shall have the care and superintendence of the city buildings and the custody, management and disposal of all city property. Any appropriation made by the city council for the erection of a city hall or for land for a location for such building shall be subject to ratification by the legal voters of the city, voting in their respective wards or precincts, at an annual municipal election. The city council shall also have the sole care, superintendence and management of the public grounds belonging to said city, and of all the shade and ornamental trees standing and growing thereon, and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city.

Appropriation for a city hall or for location of such building subject to ratification by the voters.

Nominations to be made by mayor, subject to confirmation by aldermen.

SECTION 17. In all cases in which appointments are directed to be made by the mayor and aldermen the mayor shall have the exclusive power of nomination, which nomination shall be subject however to confirmation or rejection by the board of aldermen. If a person so nominated be rejected the mayor shall make another nomination within ten days from the time of such rejection. No person shall be eligible by appointment or election by the mayor and aldermen or city council to any office of emolument the salary of which is payable out of the city treasury, who at the time of such election or appointment shall be a member of the city council. All sittings of the mayor and aldermen, of the common council and of the city council shall be public, except the sittings of the mayor and aldermen when they are engaged in executive business.

City council may make ordinances, etc., and affix penalties.

SECTION 18. The city council shall have power within said city to make and establish ordinances and by-laws and to affix thereto penalties as herein and by general law provided without the sanction of any court or justice thereof:

provided, however, that all laws and regulations now in force in the town of Pittsfield and in the fire district in the town of Pittsfield shall, until they shall expire by their own limitation or be revised or repealed by the city council, remain in force. All fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury. Complaint for the breach of any ordinance or by-law may be made by the mayor or any head of a department, or by any resident of the city.

SECTION 19. The city council shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew, or discontinuing of, or making specific repairs in, all streets and ways, and all highways within the limits of said city, and to assess the damages sustained thereby; but all questions relating to the subjects of laying out, altering, repairing or discontinuing any street, way or highway shall first be acted upon by the mayor and aldermen. Any person aggrieved by any proceedings of the city council under this provision shall have all the rights and privileges now allowed by law in appeals from the decisions of selectmen or road commissioners of towns.

To lay out streets and ways, etc., with approval of mayor.

Right of appeal.

SECTION 20. Neither the mayor, members of the city council, members of city boards, or any officer of the city shall directly or indirectly contract with or purchase from himself or any firm with which he is connected supplies, material or labor on account of or for the use of the city.

Purchase of supplies.

SECTION 21. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention a city treasurer, a collector of taxes and a city clerk, and by concurrent vote may elect a city physician, a city solicitor and city auditor, who shall be legal voters, and shall hold their offices for the term of one year from the first Monday in February then next ensuing and until others shall be elected and qualified in their stead: *provided, however,* that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above named offices may be filled at any time in the same manner for the unexpired term. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Election of city clerk, treasurer, collector of taxes, city solicitor, etc.

Removal.

Vacancies.

Compensation.

SECTION 22. The city council may establish a fire department for said city, to consist of a chief engineer and

Fire department may be established.

Fire department.

of as many assistant engineers, enginemen, hosemen, hook-and-ladder men and assistants as the city council by ordinance shall from time to time prescribe; and said council shall have authority to fix the time of their appointment and the term of their service, to define their office and duties and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires and the conduct of persons attending fires, as they may deem expedient, and may fix such penalties for any violation of such regulations or any of them as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen, exclusively, who shall also have authority to remove from office any officer or member for cause sufficient in their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the department shall be fixed by concurrent vote of the city council.

City council may establish fire limits.

SECTION 23. The city council shall have power to establish fire limits within the city and from time to time change or enlarge the same; and by ordinance they may regulate the construction of all buildings erected within said fire limits, stipulating their location, size and the material of which they shall be constructed, together with such other rules and regulations as shall tend to prevent damage by fire; provided that such rules and regulations shall not be inconsistent with the laws of this Commonwealth.

Assessors of taxes to be elected by city council.

SECTION 24. The city council first elected after the acceptance of this act shall in the month of January choose by concurrent vote by ballot three persons to be assessors of taxes, to serve, one for the term of three years, one for the term of two years and one for the term of one year beginning with the first Monday in February then next ensuing and until their respective successors are chosen and qualified; and thereafter the city council shall annually in the month of January choose in the same manner one person as assessor, who shall hold office for the term of three years beginning with the first Monday in February then next ensuing and until another is chosen and qualified in his stead. The city council shall annually in the month of January choose by concurrent vote one person from

each ward to be an assistant assessor for one year beginning with the first Monday in February then next ensuing and until his successor is elected and qualified; and it shall be the duty of the persons so elected to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards. Any vacancy occurring in the office of assessor or assistant assessor may be filled by concurrent ballot of the city council for the unexpired term. The compensation of the assessors and assistant assessors shall be fixed by concurrent vote of the city council.

Assistant assessors.

Vacancies.

SECTION 25. The city council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot three persons, legal voters of said city, to constitute a board of overseers of the poor in said city, to serve one for three years, one for two years and one for one year from the first Monday of February then next ensuing and until their respective successors are elected and qualified; and thereafter the city council shall annually in the month of January elect in the same manner one person, a legal voter of said city, to serve for the term of three years from the first Monday of February then next ensuing and until his successor shall be elected. Said board of overseers shall organize annually by the choice of a chairman, and they may annually elect, but not one of their own number, a superintendent who shall serve as clerk of the board and who may be removed by the board; the compensation of the superintendent shall be fixed by concurrent vote of the city council; the members of the board shall serve without compensation.

Overseers of the poor to be elected by the city council.

Organization.

SECTION 26. The city council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent ballot three persons, legal voters of said city, to constitute a board of public works, to serve one for three years, one for two years and one for one year from the first Monday of February then next ensuing and until their respective successors are elected; and thereafter the city council shall annually in the month of January elect in the same manner one person, a legal voter of said city, to serve on said board for the term of three years from the first Monday of February next ensuing and until his successor is elected. Said board of public works shall be organized annually by the choice of a chairman; they

Board of public works to be elected by the city council.

Organization.

shall annually appoint a clerk to be under the direction and control of said board, and may appoint, but not from their own number, a superintendent and as many assistant superintendents as the city council by ordinance shall from time to time prescribe; said board may remove, for sufficient cause, such clerk, superintendent or assistant superintendents. The compensation of such clerk, superintendent and assistant superintendents shall be fixed by concurrent vote of the city council. Any vacancy occurring in said board may be filled by concurrent ballot of the city council. The city council may at any time remove any member of said board. The members of said board shall serve without compensation. Said board of public works shall have cognizance, direction and control of the water works and its appurtenances, of the highways, streets, sidewalks, common sewers and main drains; of the construction, alteration, repair, care and lighting of streets, ways and sidewalks; of the construction, alteration, repair and care of public buildings, except that the care of all school buildings shall remain under the control of the school committee, and the care of the Berkshire athenæum shall remain under the control of the board of trustees of said athenæum; of the construction, alteration, repair and care of public sewers and drains; of the construction, alteration, repair, care and maintenance of public bridges. Said board shall perform such further duties, not inconsistent with the nature of their office, as the city council may prescribe. Said board shall, upon the acceptance of this act, have all the powers, jurisdiction and authority heretofore vested in the water commissioners of the fire district in the town of Pittsfield. So much of chapter one hundred and twenty of the acts of the year eighteen hundred and seventy-eight, entitled "An Act relating to sidewalks, common sewers and main drains in the fire district in the town of Pittsfield", as provides for the election of a board of commissioners of sidewalks, common sewers and main drains in said fire district, shall, upon the first day of January next after the acceptance of this act as herein provided, be repealed, and all the jurisdiction, powers and authority conferred in said act upon said board of commissioners shall be vested in said board of public works, except the collection of assessments, fines and penalties provided for in said act, and such collections shall be made by the col-

Vacancies.

To serve without compensation.

To have powers heretofore vested in the water commissioners of the fire district and the commissioners of sidewalks, etc., in the town of Pittsfield.

lector of taxes of said city. All provisions of law applicable to the collection of city, county and state taxes shall apply to the collection of assessments under said act. Said board shall in general, except as otherwise herein provided, have, exclusively, the powers and be subject to the duties, liabilities and penalties which are or may by law be given to or imposed upon road commissioners of towns.

To have powers of road commissioners of towns.

SECTION 27. The city council first elected under this act shall, as soon as convenient after its organization, elect by concurrent ballot three persons, legal voters of said city, to constitute a board of health, to serve one for three years, one for two years and one for one year from the first Monday of February then next ensuing and until their respective successors are elected; and thereafter the city council shall annually in the month of January elect in the same manner one person, a legal voter of said city, to serve as a member of said board of health for the term of three years from the first Monday of February then next ensuing and until his successor shall be elected. Elections shall be so made that one member at least of said board shall be a physician. The compensation of the board shall be fixed by concurrent vote of the city council.

Board of health.

One member to be a physician.

SECTION 28. The city council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent ballot three persons, legal voters of said city, to constitute a board of commissioners of the sinking fund of the city of Pittsfield, to serve one for three years, one for two years and one for one year from the first Monday of February then next ensuing and until their respective successors are elected; and thereafter the city council shall annually in the month of January elect in the same manner one person, a legal voter of said city, to serve on said board of commissioners for the term of three years from the first Monday of February then next ensuing and until his successor is elected. Said board shall serve without compensation, and shall have all the powers and be subject to all the laws relating thereto. Said sinking fund of the town of Pittsfield, from and after the acceptance of this act by the legal voters of said town, shall be and be known as the sinking fund of the city of Pittsfield; and said city of Pittsfield is hereby given all the rights and privileges

Commissioners of sinking fund.

To serve without compensation.

and made subject to all the duties and liabilities heretofore given to or imposed upon the town of Pittsfield in reference thereto.

Vacancies.

SECTION 29. Any vacancy occurring in either of the boards established under the provisions of the five preceding sections of this act may be filled by the city council voting by concurrent ballot at any time for the unexpired term : and any member of either of said boards may at any time be removed by the city council for sufficient cause.

School committee.

SECTION 30. The school committee shall consist of the mayor, ex officio, who shall be chairman of the board, and fourteen other persons, inhabitants of said city, of whom two shall be elected by ballot from each ward by the qualified voters in said ward. At the first election under this act there shall be so elected members from wards one and two to serve for the term of three years beginning with the first Monday of January then next ensuing, from wards three and four, members to serve for the term of two years beginning with the first Monday of January then next ensuing, and from wards five and six members to serve for the term of one year beginning with the first Monday of January then next ensuing, and from ward seven, members to serve one for the term of two years and one for the term of three years beginning with the first Monday of January then next ensuing. And at each subsequent election there shall be chosen members to hold their office for the term of three years as successors of and from the same wards as those whose term of office expires at the expiration of the then municipal year. Any vacancy occurring in said committee may be filled by ballot for the remainder of the municipal year by the joint ballot of the city council and school committee in convention ; and for the unexpired time thereafter shall be filled at the first municipal election after such vacancy occurs. The members of the committee shall serve without compensation. Said committee shall annually elect one of their number chairman to serve in the absence of the mayor. Said committee shall annually appoint one of their number to attend the meetings of the board of aldermen and common council for the purpose hereinafter mentioned, and said committee shall annually appoint a secretary, one of their number, who shall be under their direction and control. They shall annually appoint, but not of their own number, a superintendent of the schools. The

Vacancies.

Members to serve without compensation.

Superintendent of schools.

committee shall fix the salaries of such secretary and superintendent, and may remove them for sufficient cause. All the rights and obligations of said town of Pittsfield in relation to schools and the grant and appropriations of money for the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town to raise money for the support of schools therein, shall be merged in the powers and obligations of the city.

SECTION 31. The chairman of the board of overseers of the poor, of the board of public works and the member of the school committee appointed for that purpose shall, respectively, be entitled to seats with the board of aldermen and common council, and shall have the right to discuss all matters relating to their respective departments of city affairs, but without the right to vote; they shall be notified in like manner with members of the two boards of all special meetings of said boards. Every officer of the city, except the mayor, shall at the request of the board of aldermen or common council appear before them and give such information as they may require, and answer such questions as may be asked in relation to any matter, act or thing connected with his office or the discharge of the duties thereof.

Chairman of overseers of poor and of board of public works and one of the school committee to have seats with aldermen and common council without right to vote.

SECTION 32. All general laws in force in the town of Pittsfield when this act shall be accepted as herein provided, and all special laws heretofore passed with reference to said town of Pittsfield and which shall then have been duly accepted by said town, and which shall be then in force therein shall, until altered, amended or repealed, continue in force in the city of Pittsfield, so far as the same are not inconsistent herewith.

Laws in force in town to continue in city.

SECTION 33. All special laws heretofore passed concerning the fire district in the town of Pittsfield, which shall be in force in said fire district when this act shall be accepted as herein provided, shall, so far as the same are not inconsistent herewith, be extended to and be and continue in force in the city of Pittsfield until altered, amended or repealed.

Laws in force in fire district to continue in city.

SECTION 34. Upon the first day of January next after the acceptance of this act, as herein provided, the fire district in said town shall be dissolved, and its powers and privileges and duties and liabilities shall vest in and be assumed and discharged by the said city of Pittsfield.

Fire district to be dissolved.

The property of said fire district upon the first day of January next after the acceptance of this act shall vest in and become the property of the city of Pittsfield; and the existing debts and legal contracts of said district shall be assumed by said city of Pittsfield upon the first day of January next after the acceptance of this act: *provided*, that the said district shall, as to its creditors, continue liable to pay all its existing debts and to perform all its legal contracts.

Rights or legal proceedings not to be affected.

SECTION 35. The passage of this act shall not affect any right, accruing or accrued, or any suit, prosecution or other legal proceeding pending at the time when this act shall go into operation, and no penalty or forfeiture previously incurred shall be affected hereby. All persons holding office in said town or in the fire district in said town at the time this act shall take effect shall continue to hold the same, notwithstanding the passage hereof, until the organization of the city government hereby authorized shall be effected, and until the successors of such officers shall be respectively elected and qualified.

Territory to be divided into seven wards.

SECTION 36. Upon an acceptance of this act, as herein provided, the selectmen of said town shall forthwith divide the territory thereof into seven wards, so that they shall contain, as nearly as may be consistent with well defined limits to each, an equal number of voters in each ward, and they shall designate the wards by numbers. They shall, for the purpose of the first municipal election to be held hereunder, which shall take place on the first Tuesday of December next succeeding such acceptance, provide suitable polling places in the several wards and give notice thereof, and shall at least ten days previous to the said first Tuesday in December appoint all proper election officers therefor; and they shall in general have the powers and perform the duties of the mayor and the board of aldermen of cities under chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four; the provisions of which shall, so far as applicable, apply to said election, and the town clerk shall perform the duties therein assigned to city clerks. The registrars of voters shall cause to be prepared and published lists of the qualified voters in each of the wards established by the selectmen.

Polling places to be provided.

Selectmen to notify mayor, etc., elect.

SECTION 37. The selectmen shall notify the persons elected mayor, aldermen and common councilmen severally

of their election, and shall provide and appoint a place for the first meeting of the aldermen and common council on the first Monday in January next ensuing, and by written notices left at their respective residences at least twenty-four hours prior to such meeting shall notify thereof the mayor elect, aldermen elect and common councilmen elect, who shall immediately proceed to organize and carry into effect the provisions of this act, which shall then have full force and effect. The selectmen shall in like manner provide and appoint a place and time for the first meeting of the school committee, and notify the members elect thereof. Nothing herein shall affect the annual meeting in said town for the election of national, state, district and county officers which may be held after the acceptance thereof.

SECTION 38. A meeting may be called for the purpose of submitting the question of the acceptance of this act to the legal voters of said town at any time after the passage thereof except in the months of November and December. At such meeting the polls shall be open not less than eight hours, and the vote shall be taken by ballot, in accordance with the provisions of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, so far as the same shall be applicable, in answer to the question, "Shall an act passed by the general court in the year eighteen hundred and eighty-nine, entitled 'An Act to incorporate the city of Pittsfield,' be accepted?" and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. If at any meeting so called this act shall fail to be thus accepted, it may at the expiration of one year from any such previous meeting be again thus submitted for acceptance, but not after the period of three years from the passage thereof.

Meeting for submission of question of acceptance.

SECTION 39. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said town shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said town as herein prescribed.

Submission of question of acceptance to take effect upon passage.

Approved June 5, 1889.

Chap. 412 AN ACT IN RELATION TO THE OFFICERS OF THE STATE PRISON AT BOSTON.

Be it enacted, etc., as follows:

Officers of the state prison.

SECTION 1. The officers of the state prison at Boston shall consist of one warden, one deputy warden, one chaplain, one physician and surgeon, one clerk, one engineer, four turnkeys and as many watchmen as the warden, subject to the approval of the commissioners of prisons, may deem necessary, but shall not exceed forty-six in number.

Salaries.

SECTION 2. The warden of said prison shall receive a salary of thirty-five hundred dollars a year; the chaplain, a salary of two thousand dollars a year; the physician and surgeon, a salary of one thousand dollars a year; the officers appointed by the warden shall receive annual salaries herein respectively set forth as follows, to wit: — the deputy warden, two thousand dollars; the clerk, two thousand dollars; the engineer, fifteen hundred dollars; each of the turnkeys shall receive an annual salary of twelve hundred dollars; and each of the watchmen shall receive an annual salary to be ascertained as follows: — any watchman who shall have been in the service of said prison for less than three years, eight hundred dollars; any watchman who has been in said service for three years and less than six years, one thousand dollars; any watchman who has been in said service for six years, twelve hundred dollars. But this shall not apply to those officers of the state prison in service at the date of the passage of this act, known as watchmen, so far as reducing any of their salaries is concerned. In fixing the rate of the compensation of the officers as aforesaid, previous service in any prison of the Commonwealth shall be considered. No other perquisite, reward or emolument shall be allowed to or received by any of the said officers, except that there shall be allowed to the warden and deputy warden sufficient house room with fuel and lights for themselves and their families. The salaries hereby authorized shall take effect on the first day of April in the year eighteen hundred and eighty-nine.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved June 5, 1889.

AN ACT TO AMEND AN ACT TO PROVIDE FOR PRINTING AND DISTRIBUTING BALLOTS AT THE PUBLIC EXPENSE AND TO REGULATE VOING AT STATE AND CITY ELECTIONS. *Chap. 413*

Be it enacted, etc., as follows:

Section four of chapter four hundred and thirty-six of the acts of the year eighteen hundred and eighty-eight is amended by inserting after the word “residence” in the nineteenth line thereof, the words:—with the street and number thereof, if any,—and by adding at the end of the section the words:—and he shall also add his post office address. Section five of said chapter is amended by inserting after the words “his place of residence” in the sixth line, the words:—and, in case of a nomination for a city office. Section seven of said chapter is amended by adding at the end thereof the words:—and to any party committee known to the secretary or clerk, as the case may be, as specially interested in the nomination. It shall be proper for the officers above named, in the decision of any question as to the proper political or party designation of candidates, to distinguish between candidates nominated by certificates of nomination, and those nominated by nomination papers. Section ten of said chapter is amended by inserting at the beginning thereof the words:—All ballots for use in state elections shall be prepared by the secretary of the Commonwealth, and all ballots for use in city elections shall be prepared by the clerks of the several cities respectively,—by striking out in the fourth and fifth lines thereof the words “residences, together with street and number, if any, and the party or political designation”; by inserting after the words “political designation” in the twelfth line thereof, the words:—The name of the city or town in which the candidate resides shall be added to the name of each candidate on ballots for state offices, and the street, with street number, if any, on which a candidate resides shall be added to the name of each candidate on ballots for city offices; and there shall also be added to all the names of candidates their party or political designation,—by inserting in the thirty-seventh line thereof after the words “The ballot shall be”, the word:—substantially,—and by inserting in the fiftieth line thereof after the words “such use only”, the words:—and shall be on tinted paper, but of a different tint from that of

*Amendments to
1888, 436.*

Amendments to
1888, 456.

specimen ballots. Section eleven of said chapter is amended by inserting in the third line thereof after the words "convenient numbers in", the word:—packages. Section twelve of said chapter is amended by striking out in the eleventh line thereof after the word "Commonwealth", the words "fourteen days", and inserting in place thereof the words:—at such time as he shall require,—and by striking out at the end thereof the words "and in cities the number of women so registered as voters." Section fourteen of said chapter is amended by striking out in the second line thereof the word "six", and inserting in place thereof the word:—five. Section sixteen of said chapter is amended by striking out at the end of the first sentence the words "one set forty-eight hours at least previous to the day of election, and the other set twenty-four hours at least previous thereto", and inserting in place thereof the words:—twelve hours at least previous to the day of election. Section twenty-one of said chapter is amended by striking out in the seventeenth line thereof the word "ten", and inserting in place thereof the word:—five. Section twenty-three of said chapter is amended by adding at the end thereof the words:—and of other sections relative to the duties of election officers. Section twenty-six of said chapter is amended by adding at the end thereof the words:—as required by section twenty-four. Section twenty-seven of said chapter is amended by inserting in the fourth line thereof after the words "how he is about to vote", the words:—or place any distinguishing mark upon his ballot,—and by inserting in the ninth line thereof after the words "has marked his ballot", the words:—or otherwise violate any provision of this act. Section twenty-nine of said chapter is amended by inserting in the fourth line thereof after the word "withdrawal", the words:—or sign any such certificate or paper contrary to the provisions of this act,—and by inserting in the tenth line thereof after the words "deface any ballot", the words:—or shall take or remove any ballot outside of the enclosure provided for voting before the close of the polls. So that said chapter, as amended, shall read as follows:—

Section 1. All ballots cast in elections for national, state, district and county officers in cities and towns after the first day of November in the year eighteen hundred

Ballot for use
in national,
state, city, etc.,
elections to
be printed and

and eighty-nine, and all ballots cast in municipal elections in cities after that date, shall be printed and distributed at public expense, as hereinafter provided. The printing of the ballots and cards of instructions to voters shall in municipal elections in cities be paid for by the several cities respectively, and in all other elections the printing of the ballots and cards of instructions, and the delivery of them to the several cities and towns, shall be paid for by the Commonwealth. The distribution of the ballots to the voters shall be paid for by the cities and towns respectively. The term "state election", as used in this act, shall apply to any election held for the choice of a national, state, district or county officer, whether for a full term or for the filling of a vacancy; and the term "state officer" shall apply to any person to be chosen by the qualified voters at such an election. The term "city election" shall apply to any municipal election so held in a city, and the term "city officer" shall apply to any person to be chosen by the qualified voters at such an election.

distributed at public expense.

Certain terms defined.

NOMINATIONS OF CANDIDATES.

Section 2. Any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, and individual voters to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as herein provided.

Nomination of candidates.

Names to be placed on ballots.

Section 3. Any convention of delegates representing a political party which, at the election next preceding, polled at least three per cent. of the entire vote cast in the state, or in the electoral district or division thereof for which the nomination is made, or any convention of delegates who have been selected in caucuses called and held in accordance with a special statute providing therefor, and any caucus so called and held in any such electoral district or division, may for the state or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as may be required as above for its acceptance, and as are required in section five of this act; shall be signed by the presiding officer

One candidate for each office may be nominated. 1888, 441.

Certificate of nomination.

and by the secretary of the convention or caucus, who shall add thereto their places of residence; and shall be sworn by them to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

Nomination papers, for state at large.

for districts or divisions of state.

in case of first election, etc.

Women may sign nominations for school committee.

Certificate of registrars.

One signer to swear that statements are true.

Certificates of nomination, etc., to specify office, etc.

Section 4. Nominations of candidates for any offices to be filled by the voters of the state at large may be made by nomination papers signed in the aggregate for each candidate by not less than one thousand qualified voters of the state. Nominations of candidates for electoral districts or divisions of the state may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or division, not less in number than one for every one hundred persons who voted at the next preceding annual election in such district or division, but in no case less than fifty. In the case of a first election to be held in a town or ward newly established, the number of fifty shall be sufficient for the nomination of a candidate who is to be voted for only in such town or ward; and in the case of a first election in a district or division newly established, other than a town or ward, the number of fifty shall be so sufficient. Each voter signing a nomination paper shall add to his signature his place of residence, with the street and number thereof, if any; and each voter may subscribe to one nomination for each office to be filled, and no more. Women qualified to vote for members of the school committee may sign nomination papers for candidates for the school committee. The nomination papers shall, before being filed, be respectively submitted to the registrars of voters of the cities or towns in which the signers purport to be qualified voters, and each registrar to whom the same is submitted shall forthwith certify thereon what number of the signatures are names of qualified voters both in the city or town for which he is a registrar and in the district or division for which the nomination is made; one of the signers to each such separate paper shall swear that the statements therein are true, to the best of his knowledge and belief, and the certificate of such oath shall be annexed; and he shall also add his post office address.

Section 5. All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each, (1) the office for which he is nominated; (2) the party or political principle which he

represents, expressed in not more than three words; (3) his place of residence, and, in case of a nomination for a city office, with street and number thereon, if any. In the case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political appellation.

Section 6. Certificates of nomination and nomination papers for the nomination of candidates for state offices shall be filed with the secretary of the Commonwealth at least fourteen days previous to the day of the election for which the candidates are nominated. Such certificates and papers for the nomination of candidates for the offices of mayor and of aldermen in cities shall be filed with the city clerks of the respective cities at least ten days previous to the day of such election, and for the nomination of candidates for all other city offices at least six days previous to the day of such election.

Certificates, etc., to be filed with secretary of the Commonwealth.

Certificates to be filed with city clerk.

Section 7. The certificates of nomination and nomination papers being so filed, and being in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing. Such objections or other questions arising in relation thereto in the case of nominations of state officers shall be considered by the secretary of the Commonwealth and the auditor and attorney-general, and the decision of the majority of these officers shall be final. Such objections or questions arising in the case of nominations of city officers shall be considered by the board of registrars of voters, together with the city clerk, if not a member of such board, and the city solicitor, and the decision of a majority of these officers shall be final. In case such objection is made notice shall forthwith be mailed to the candidates affected thereby, addressed to their residences as given in the certificates of nomination or nomination papers, and to any party committee known to the secretary or clerk, as the case may be, as specially interested in the nomination. It shall be proper for the officers above named, in the decision of any question as to the proper political or party designation of candidates, to distinguish between candidates nominated by certificates of nomination, and those nominated by nomination papers.

Certificates to be deemed valid unless objected to in writing.

Objections, etc., to be considered and decided by registrars, etc.

Candidate and party committee to be notified of objections.

Party or political designation of candidates.

Section 8. Any person whose name has been presented as a candidate may cause his name to be withdrawn from

Withdrawal of name of person nominated.

nomination, by request in writing signed by him and acknowledged before an officer qualified to take acknowledgments of deeds, and filed with the secretary of the Commonwealth ten days or with the proper city clerk five days, as the case may be, previous to the day of election, and no name so withdrawn shall be printed upon the ballots. No nomination published and posted as herein provided shall be subsequently omitted as invalid.

Certificates of nomination, etc., to be open to public inspection.

Section 9. All certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection, and the secretary of the Commonwealth and the several city clerks shall preserve the same in their respective offices not less than five years.

FORM OF BALLOTS.

Preparation of ballots.

Section 10. All ballots for use in state elections shall be prepared by the secretary of the Commonwealth, and all ballots for use in city elections shall be prepared by the clerks of the several cities respectively. Every general ballot, or ballot intended for the use of all male voters, which shall be printed in accordance with the provisions of this act, shall contain the names of all candidates whose nominations for any offices specified in the ballot have been duly made and not withdrawn in accordance herewith, and shall contain no other names: except that in the case of electors of president and vice-president of the United States the names of the candidates for president and vice-president may be added to the party or political designation: the name of the city or town in which the candidate resides shall be added to the name of each candidate on ballots for state offices; and the street, with street number, if any, on which a candidate resides, shall be added to the name of each candidate on ballots for city offices; and there shall also be added to all the names of candidates their party or political designation. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order, according to surnames, except that the names of candidates for the offices of electors of president and vice-president shall be arranged in groups, as presented in the several certificates of nomination or nomination papers. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be

General ballots.

elected to such office, in which the voter may insert the name of any person, not printed on the ballot, for whom he desires to vote as candidate for such office. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the list of candidates. Special ballots in cities, containing only the names of candidates for the school committee, shall also be prepared in like manner and printed for the use of women qualified according to law to vote for members of the school committee. The ballots shall be so printed as to give to each voter a clear opportunity to designate by a cross mark [X] in a sufficient margin at the right of the name of each candidate his choice of candidates and his answer to the questions submitted; and on the ballot may be printed such words as will aid the voter to do this, as, "vote for one," "vote for three," "yes," "no," and the like. The ballot shall be substantially of the length now required by law, and two or more times such width. Before distribution the ballots shall be so folded in marked creases that their width and length when folded shall be those of the ballot now required by law. On the back and outside, when folded, shall be printed "Official Ballot for", followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a fac simile of the signature of the secretary of the Commonwealth or city clerk who has caused the ballot to be printed. The special ballots printed in cities for the use of women qualified to vote for school committee shall contain the additional endorsement that they are for such use only, and shall be on tinted paper, but of a different tint from that of specimen ballots. Except as otherwise herein provided, ballots shall be printed in accordance with the existing provisions of law.

Section 11. All ballots when printed shall be folded as hereinbefore provided and fastened together in convenient numbers in packages, books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place shall be kept and preserved by the secretary of the Commonwealth and the several city clerks.

Section 12. There shall be provided for each voting place, at which an election is to be held, two sets of such

Constitutional amendment, etc.

Ballots for use of women voting for school committee.

Size, form, style and color of ballots.
1884, 290, § 27.

Ballots to be folded in marked creases.

Ballots to be fastened together in convenient packages, etc.

Two sets of ballots to be provided for

each voting place.

Number of registered voters to be certified to the secretary.

general ballots, each of not less than one hundred for every fifty and fraction of fifty registered male voters therein; and likewise two sets of such special ballots, each of not less than one hundred, for every fifty and fraction of fifty women qualified to vote for school committee therein; and it shall be the duty of the registrars of voters in each city or town in which an election for state officers is to be held to certify to the secretary of the Commonwealth at such time as he shall require previous to any such election the number of male registered voters in each voting precinct or in each town which is not divided into voting precincts.

INFORMATION TO VOTERS.

Cards of instructions to be furnished with ballots.

Section 13. The secretary of the Commonwealth, in case of a state election, and the several city clerks, in case of city elections, shall prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of sections twenty-seven, twenty-eight, twenty-nine and thirty of this act, to be printed in large, clear type, on separate cards, to be called cards of instructions; and they shall respectively furnish the same and the ballots for use in each such election. They shall also cause to be printed on tinted paper, and without the fac simile endorsements, ten or more copies of the form of the ballot provided for each voting place at each election therein, which shall be called specimen ballots, and shall be furnished with the other ballots provided for each such voting place.

Ten or more specimen ballots to be furnished for each voting place.

Secretary to transmit lists of names, etc., of candidates to registrars of voters.

Section 14. The secretary of the Commonwealth shall, five days at least previous to the day of any election of state officers, transmit to the registrars of voters in each city and town in which such election is to be held, printed lists containing the names, residences and party or political appellations of all candidates nominated as herein provided for such election and to be voted for at each polling place in each such city and town respectively, substantially in the form of the general ballot to be so used therein; and the registrars of voters shall immediately cause the lists for each town or voting precinct, as the case may be, to be conspicuously posted in one or more public places

Registrars to cause lists to be posted.

in such town or voting precinct. The secretary of the Commonwealth shall likewise cause to be published prior to the day of any such election, in at least two newspapers, if there be so many, published in each county, representing, so far as practicable, the political parties which, at the preceding election, cast the largest and next largest number of votes, a list of all the nominations made as herein provided and to be voted for in such county, so far as may be, in the form in which they shall appear upon the general ballots.

Secretary to cause lists of nominations to be published in newspapers.

Section 15. The city clerk of each city shall four days at least prior to the day of any city election therein cause to be conspicuously posted in one or more public places in each voting precinct of such city a printed list containing the names, residences and party or political appellations of all candidates nominated, as herein provided, and to be voted for in such precinct, substantially in the form of the general ballot to be so used therein; and he shall likewise cause to be published, prior to the day of such election, in at least two newspapers, if there be so many, published in such city, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made, as herein provided, and to be voted for in such city, so far as may be, in the form in which they shall appear upon the general ballots.

City clerk to cause lists of names of candidates, etc., to be posted.

To publish lists in newspapers.

DELIVERY OF BALLOTS TO CITIES AND TOWNS.

Section 16. The secretary of the Commonwealth shall send, separately and at different times or by different methods, the two sets of general and special ballots, together with the specimen ballots and cards of instructions printed by him, as herein provided, to the several city and town clerks, so as to be received by them twelve hours, at least, previous to the day of election. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots of each kind enclosed; and the respective city and town clerks shall, on delivery to them of such packages, return receipts therefor to the secretary. The secretary shall keep a record of the time when and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the city and town clerks.

Ballots and cards of instructions to be sent to city and town clerks.

Record to be kept.

City clerks to send ballots, etc., to polling precincts in sealed packages.

Section 17. The two sets of ballots together with the specimen ballots and cards of instructions printed by the city clerks, as herein provided, shall be packed by them in separate sealed packages, with marks on the outside clearly designating the polling precincts for which they are intended, and the number of ballots of each kind enclosed.

Clerks to send one set of ballots to each voting place.

Section 18. The several city and town clerks shall send to the election officers of each voting place, before the opening of the polls on the day of election, one set of ballots so prepared, sealed and marked for such voting place; and a receipt of such delivery shall be returned to them from the presiding or senior election officer present, which receipt, with a record of the number of ballots sent,

Record to be kept.

Seals to be publicly broken.

shall be kept in the clerk's office. At the opening of the polls in each polling place the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding election officer, and the books or blocks of ballots shall be delivered to the ballot officers hereinafter provided for. The cards of instructions shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in or about the polling room, outside the guard rails. The second set of ballots shall be retained by the respective clerks until they are called for or needed for the purposes of voting; and, upon the requisition in writing of the presiding election officer of any voting place, the second set of ballots shall be furnished to such voting place in the manner above provided as to the first set.

Cards of instructions and specimen ballots to be posted.

Second set of ballots to be retained until called for.

Clerk to procure and furnish ballots if necessary.

Section 19. In case the ballots to be furnished to any city or town or voting place therein, in accordance with the provisions of this act, shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the clerk of such city or town to cause other ballots to be prepared substantially in the form of the ballots so wanting and to be furnished; and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting, as above.

Sworn statements to accompany substitute ballots.

ADDITIONAL ELECTION OFFICERS.

Section 20. Two inspectors, with two deputy inspectors, additional to those now provided for, shall be appointed in each voting precinct in cities and in towns divided into voting precincts, and the provisions of law relative to inspectors and deputy inspectors shall be applicable to such additional officers. Two of the inspectors acting in each voting precinct shall be detailed to act as ballot clerks. In towns not divided into voting precincts, two inspectors, with deputy inspectors, shall be appointed, in accordance with the provisions of law applicable to such officers in towns so divided, and the two inspectors thus serving shall act as ballot clerks. The two ballot clerks detailed and appointed as above in each voting precinct and town shall have the charge of the ballots therein, and shall furnish them to the voters in the manner hereinafter set forth. A duplicate list of the qualified voters in each precinct and each town not divided into precincts shall be prepared for the use of the ballot clerks, and all the provisions of law relative to the preparation, furnishing and preservation of check-lists shall apply to such duplicate lists.

Additional inspectors to be appointed.
1884, 200, §§ 7, 8.
1886, 264, §§ 7, 8.

Ballot clerks to have charge of ballots.

To be furnished with duplicate check-lists.

VOTING SHELVES OR COMPARTMENTS.

Section 21. The officers in each city or town whose duty it is to designate and appoint polling places therein shall cause the same to be suitably provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others; and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes and of such voting shelves or compartments. The arrangement shall be such that neither the ballot-boxes nor the voting shelves or compartments shall be hidden from view of those just outside the said guard rail. The number of such voting shelves or compartments shall not be less than one for every seventy-five voters qualified to vote at such polling place, and not less than three in any town or precinct thereof, and not less than five in any voting precinct of a city. No persons other than the election

Voting shelves or compartments to be supplied.

Guard rail.

Ballot-boxes, etc., to be within view.
Number of shelves, etc.

Admission within the rail.

Supplies for marking ballots.

officers and voters admitted as hereinafter provided shall be permitted within said rail, except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

PREPARATION OF BALLOTS

Voter to give his name to a ballot clerk, who shall announce the same in a loud voice.

Section 22. Any person desiring to vote shall give his name, and, if requested so to do, his residence, to one of the ballot clerks, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the check-list by the ballot officer having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail as above provided. The ballot clerk shall give him one, and only one, ballot, and his name shall be immediately checked on said list. If the voter is a woman, she shall receive a special ballot containing the names of candidates for school committee only. Besides the election officers, not more than four voters in excess of the number of voting shelves or compartments provided shall be allowed in said enclosed space at one time.

Clerk to furnish one ballot.

Number of voters allowed within the rail.

Preparation of ballot by voter.

Section 23. On receipt of his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided, and shall prepare his ballot by marking in the appropriate margin or place a cross [X] opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking a cross [X] opposite thereto; and, in case of a question submitted to the vote of the people, by marking in the appropriate margin or place a cross [X] against the answer which he desires to give. Before leaving the voting shelf or compartment, the voter shall fold his ballot, without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall vote in the manner now provided by law before leaving the enclosed space, and shall deposit his ballot in the box with the official endorsement uppermost. He shall mark and deposit

Manner of depositing ballot. 1884, 299, § 17.

his ballot without undue delay and shall quit said enclosed space as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes in case all or such shelves or compartments are in use, and other voters are waiting to occupy the same. No voter not an election officer, whose name has been checked on the list of the ballot officers, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the presiding election officer for the time being to secure the observance of the provisions of this section, and of other sections relative to the duties of election officers.

Time allowed to voter within enclosed space.

Presiding officer to enforce provisions, etc.

Section 24. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may successively obtain others one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately cancelled, and together with those not distributed to the voters shall be preserved; and with the check-list used by the ballot clerks, which shall be certified by them to be such, shall be secured in an envelope, sealed, and sent to the several city and town clerks, as required by law in the case of the ballots cast, and the other check-list used.

Ballots, not to be removed before close of polls; if spoiled, others to be furnished.

Ballots and certified check-lists to be sent to clerks.

Section 25. Any voter who declares to the presiding election officer that he was a voter prior to the first day of May in the year eighteen hundred and fifty-seven, and cannot read, or that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of one or two of the election officers in the marking thereof; and such officer or officers shall certify on the outside thereof that it was so marked with his or their assistance, and shall thereafter give no information regarding the same. The presiding officer may in his discretion require such declaration of disability to be made by the voter under oath before him, and he is hereby qualified to administer the same.

Voter unable to mark ballot to receive assistance.

Sworn declaration of disability may be required.

Section 26. If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall,

When ballots shall not be counted.

What ballots to be deposited and counted.

“Defective” ballots to be preserved.

except as herein otherwise provided, be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked “defective” on the back thereof, and shall be preserved, as required by section twenty-four.

PENALTIES.

Penalty for showing ballot, etc.

Section 27. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or place any distinguishing mark upon his ballot, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere or attempt to interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, or otherwise violates any provision of this act, shall be punished by fine of not less than five dollars nor more than one hundred dollars; and election officers shall report any person so doing to the police officer in charge of the polls, whose duty it shall be to see that the offender is duly brought before the proper court.

Report to be made to police officer.

Penalty for defacing lists, etc.

Section 28. Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall wilfully deface, tear down, remove or destroy any card of instructions or specimen ballot printed or posted for the instruction of voters, or who shall during an election wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be punished by fine of not less than five dollars nor more than one hundred dollars.

Penalty for making false certificates, etc.

Section 29. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal, or sign any such certificate or paper contrary to the provisions of this act, or file any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or

nomination paper, or any part thereof which has been duly filed, or forge or falsely make the official endorsement on any ballot, or wilfully destroy or deface any ballot, or shall take or remove any ballot outside of the enclosure provided for voting before the close of the polls, or wilfully delay the delivery of any ballots, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail not more than one year, or by both such fine and imprisonment.

Section 30. Any public officer upon whom a duty is imposed by this act, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the objects of this act, shall be punished by fine of not less than five nor more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

Penalty on officer for neglect, etc.

Approved June 5, 1889.

AN ACT TO ESTABLISH THE MASSACHUSETTS HOSPITAL FOR DIPSO-
MANIACS AND INEBRIATES.

Chap. 414

Be it enacted, etc., as follows :

SECTION 1. The governor with the advice and consent of the council shall appoint five persons who shall constitute the board of trustees of the Massachusetts Hospital for Dipsomaniacs and Inebriates, and who shall hold office for terms of one, two, three, four and five years respectively, beginning with the first Monday of July in the present year, and until their respective successors are appointed and qualified; and previous to the first Monday in July in each year hereafter the governor shall in like manner appoint one such trustee to hold office for the term of five years, beginning with the first Monday in July of the year of his appointment, and until his successor is appointed and qualified. Any such trustee may be removed by the governor with the advice and consent of the council for such cause as they may deem sufficient and as shall be assigned in the order for removal. Any vacancy occurring in said board shall be filled in like manner for the unexpired term.

Trustees of the Massachusetts Hospital for Dipsomaniacs and Inebriates to be appointed.

Vacancy.

SECTION 2. The lands held by said trustees in trust for the Commonwealth for the use of said hospital, as hereinafter provided, shall not be taken for a street, highway or railroad without leave of the legislature specially obtained.

Lands of hospital not to be taken for street, etc.

Trustees made a corporation.

SECTION 3. Said trustees shall be a corporation for the same purposes for which the trustees of each of the state lunatic hospitals are made a corporation under section five of chapter eighty-seven of the Public Statutes, with all the powers necessary to carry said purposes into effect.

May purchase real estate as a site for hospital.

SECTION 4. Said trustees shall have authority to purchase in behalf of the Commonwealth suitable real estate as a site for said hospital for dipsomaniacs and inebriates, and to cause to be erected thereon suitable buildings for said hospital, which shall furnish suitable accommodations for not less than two hundred and fifty patients and for the officers, employees and attendants, and to provide for the equipment and furnishing of said buildings: *provided, however,* that the entire expenditure for carrying out the purpose of this act shall not exceed one hundred and fifty thousand dollars. No expenditure shall be made for the erection of buildings except for plans therefor, until said plans have been approved by the governor and council, and no such approval shall be given unless the governor and council shall be satisfied that the cost of the real estate and the erection and completion of buildings and the equipment and furnishing of the same ready for occupancy will not exceed one hundred and fifty thousand dollars. Said trustees shall have authority to make all contracts and employ all agents necessary to carry into effect the provisions of this act.

Expenditure not to exceed \$150,000.

Plans to be approved by the governor and council.

Powers and duties of trustees.

SECTION 5. Said trustees shall have the same powers vested in them and shall be required to perform the same duties for the management and control of said hospital as are vested in and required of the trustees of the various state lunatic hospitals under sections six and seven of chapter eighty-seven of the Public Statutes.

Trustees to notify governor when commitments may be made.

SECTION 6. When the buildings constructed under the provisions of this act are so far completed that in the opinion of said trustees commitments may properly be made thereto, said trustees shall so notify the governor, who shall thereupon issue his proclamation establishing the Massachusetts Hospital for Dipsomaniacs and Inebriates, and thereafter the judges named in section eleven of said chapter eighty-seven may commit to said hospital any person who is given to or subject to dipsomania or inebriety, whether in public or in private: *provided, however,* that no such person shall be so com-

Governor to issue proclamation.

Proviso.

mitted until satisfactory evidence shall be furnished to the judge before whom the proceedings for commitment are had that such person or persons are not of bad repute or of bad character apart from their habits of inebriety.

SECTION 7. All the laws relative to commitment of an insane person to a lunatic hospital shall be applicable to and shall govern the commitment of any person under this act, except that in all proceedings relative to the commitment of any such person it shall be specifically alleged that they are either dipsomaniacs or inebriates, as the case may be, instead of alleging that they are insane.

Laws relative to commitment of an insane person to a lunatic hospital to apply.

SECTION 8. All persons so committed may be detained in said hospital two years; but when it shall appear to the trustees that any person held in said hospital will not continue to be subject to dipsomania or inebriety, or will be sufficiently provided for by themselves or their guardians, relatives or friends, they may issue to them a permit to be at liberty, 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 such permit of any of the terms or conditions of the same shall of itself make said permit void.

Persons committed may be detained two years.

Permit to be at liberty may be issued.

SECTION 9. When any permit granted under the provisions of the preceding section has become void in any manner the trustees may issue an order authorizing the arrest of the holder or holders of such permit and their return to the hospital, and such order of arrest may be served by any officer authorized to serve criminal process in any county in this Commonwealth. Any person at liberty from the hospital upon a permit, as aforesaid, may voluntarily return to the hospital and put himself in the custody of the superintendent. The holder of said permit when returned to said hospital as aforesaid, whether voluntarily or otherwise, shall be detained therein according to the term of his original commitment.

When permit is void holder may be arrested and returned to hospital.

Person may voluntarily return.

SECTION 10. Every person may appeal from the order of the judge committing them to said hospital to the superior court next to be held in the same county. The appellant shall be held in said hospital to abide the final order of said court.

Right of appeal.

SECTION 11. On such appeal the judge who ordered the commitment shall have the same authority to bind by recognizance witnesses in the case that is given by chapter two hundred and twelve of the Public Statutes.

Recognizance of witnesses.

Copy of order of commitment, etc., to be sent to clerk of court appealed to.

SECTION 12. The judge shall on such appeal make a copy of the order of commitment and other proceedings in the case, and transmit the same together with the recognizance, if any is taken, to the clerk of the court appealed to.

Appellants to be defaulted upon failure to prosecute appeal.

SECTION 13. If the appellants fail to enter and prosecute an appeal they shall be defaulted on their recognizance if any was taken, and the superior court may enter an order in like manner as if they had been ordered to be committed in that court; and process may issue, if necessary, to bring them into court to be recommitted.

May withdraw appeal at the discretion of the judge.

SECTION 14. The appellants may, at any time before the copy of the proceedings in the case has been transmitted to the clerk of the court appealed to, be brought personally before the judge from whose order the appeal was taken, and upon their own request may be permitted by such judge, at his discretion, to withdraw their appeal and abide by the order therein; whereupon said judge shall order that the appellants comply with the order appealed from in the same manner as if it were then first imposed.

Compensation of trustees.

SECTION 15. After the establishment of said hospital said trustees shall receive no compensation for their services, but they shall be reimbursed from the treasury of the Commonwealth for all expenses actually incurred by them in the performance of their official duties. The governor and council shall fix the compensation to be made to them for services rendered in the selection and purchase of real estate and the construction, equipment and furnishing of the hospital buildings.

Certain inmates of lunatic hospitals may be transferred to hospital for inebriates, etc.

SECTION 16. After the establishment of said hospital the inmates that have been committed to any lunatic hospital under the provisions of chapter three hundred and thirty-nine of the acts of the year eighteen hundred and eighty-five, and are not found to be insane, may be transferred by the state board of lunacy and charity to the Massachusetts Hospital for Dipsomaniaes and Inebriates; and said state board shall transfer from said hospital for dipsomaniaes and inebriates to some state lunatic hospital or asylum such inmates as may, under an order of commitment provided for by chapter eighty-seven of the Public Statutes, be found insane and requiring treatment therein.

Payment for board of inmates.

SECTION 17. Such inmates of said hospital as are able to pay for their board shall be charged for the same.

The board of such inmates as have a legal settlement in some city or town shall be paid by said place of settlement. The board of all persons who have no settlement in the Commonwealth and are unable to pay for themselves shall be paid from the treasury of the Commonwealth at a rate to be determined by the board of trustees of said hospital.

SECTION 18. There shall be thorough visitations of said 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 the trustees shall make a detailed report in the same manner as is required of the trustees of the state lunatic hospitals, and shall audit the report of the treasurer, which shall be presented at said annual meeting, and transmit it with their annual report to the governor and council.

Visitations and report.

Detailed report to be made at annual meeting of trustees.

SECTION 19. The accounts and books of the treasurer shall at all times be open to the inspection of the trustees.

Accounts of treasurer.

SECTION 20. This act shall take effect upon its passage.

Approved June 5, 1889.

AN ACT RELATING TO THE PROCEDURE IN POOR DEBTOR MATTERS. *Chap. 415*

Be it enacted, etc., as follows:

SECTION 1. The notices mentioned in section eighteen of chapter one hundred and sixty-two of the Public Statutes, and in section one of chapter four hundred and forty-two of the acts of the year eighteen hundred and eighty-seven, shall be served by any officer qualified to serve civil process.

Notices to be served by an officer qualified to serve civil process. P. S. 162, § 18.

SECTION 2. All certificates, notices and other processes required to be issued by or from a court of record, police, district, or municipal court having a clerk, under chapter one hundred and sixty-two of the Public Statutes and the acts amendatory thereof and supplementary thereto, shall be under the seal of the court, signed by the clerk or an assistant clerk thereof, and bear teste of any justice of any of said courts who is not a party thereto.

Notices, etc., to be under seal of the court. P. S. 162.

SECTION 3. Section twenty of chapter one hundred and sixty-two of the Public Statutes is hereby amended

If debtor fails to appear at examination,

etc., arrest may be authorized. P. S. 162, § 20.

by striking out all after the word "writing" in the tenth line of said section, and inserting in place thereof the following:—If the debtor fails to appear at the examination, or if appearing he fails to obey all lawful orders and requirements of the court or magistrate, the arrest may be authorized either upon the original execution or upon an alias or other successive execution issuing on the same judgment. If the time for the return of the execution expires while the examination is pending the arrest may be authorized upon an alias or other successive execution, in like manner and for the same reasons or defaults as upon the original execution. If the time for the return of the execution or of any alias or other successive execution, issuing on the same judgment, expires after a certificate authorizing an arrest has been affixed thereto and before such arrest has been made thereon, a copy of the said original certificate, certified by the clerk of the court issuing such original certificate, and under the seal of said court, shall be affixed to any alias or other successive execution issuing on the same judgment, and such copy shall have the same force and effect as the original certificate.

Pending examination, etc., defendant not recognizing to satisfaction of court may be conveyed to jail, etc. P. S. 162, § 36.

SECTION 4. Pending the examination, and at any time after the defendant or debtor is carried before the court or magistrate, and the defendant or debtor desires to take an oath and to have a time fixed for his examination, but does not recognize to the satisfaction of the court or magistrate as provided in section thirty-six of chapter one hundred and sixty-two of the Public Statutes, the court or magistrate may make a certificate thereof, which shall be affixed to the writ or execution, and the defendant or debtor shall be conveyed to jail and there kept until the next coming in of the court or until the time fixed for his examination, when he shall be delivered by the keeper of the jail to the officer making the arrest, to be by him carried before the court.

When arrested on mesne process and does not give bail, etc. P. S. 162, § 27. 1888, 419, § 5.

SECTION 5. Section twenty-seven of chapter one hundred and sixty-two of the Public Statutes as amended by section five of chapter four hundred and nineteen of the acts of the year eighteen hundred and eighty-eight is hereby further amended by striking out all after the word "mentioned" in the fourth line of said section and inserting in place thereof the following:—When arrested on mesne process, if he does not give bail, and when

arrested on execution in any case, he shall be taken before some court of record, or police, district or municipal court, or, only if he wishes to recognize, a master in chancery, or, only if he wishes to recognize, a commissioner of insolvency, or, except in the county of Suffolk, a trial justice. If the arrest is made when the court is not in session and the defendant or debtor does not desire to give bail or to recognize, the officer making the arrest may deliver the defendant or debtor to the keeper of the jail, to be detained by said keeper in some place in said jail until the next coming in of the court, when the said keeper shall deliver the said defendant or debtor to such officer to be by him carried before such court.

SECTION 6. The officer making the arrest shall pay in advance to the keeper of the jail, for the support of the defendant or debtor, twenty-five cents for each day's detention, to be charged with the expenses of serving the writ or execution. The fees of the court or magistrate shall be, for each postponement or continuance of an examination, or the time fixed therefor, made at the request of either party, one dollar, to be paid by the party requesting such postponement or continuance; for each writ of habeas corpus mentioned in section twelve of chapter four hundred and nineteen of the acts of the year eighteen hundred and eighty-eight, one dollar. The fees of an officer for the service of such writ of habeas corpus shall be one dollar, and the travel allowed by law for the service of a summons; and for each day's attendance before the court or magistrate on the examination of a defendant or debtor, in his custody, three dollars.

Officer to pay jailer in advance for support of debtor.

SECTION 7. All fees received in poor debtor matters under chapter one hundred and sixty-two of the Public Statutes, or under any act amendatory thereof or supplementary thereto, by any justice or clerk of any court of record, police, district or municipal court, shall be paid into such court, as for civil business, and shall be accounted for and paid by the clerk of such court or by the justice of such court when there is no clerk, to the treasurer of the county in which such court is held, but, in the county of Suffolk such clerks and justices as by law account and pay to the collector of the city of Boston shall account and pay to such collector hereunder.

Disposition of fees.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved June 5, 1889.*

Repeal.

Chap.416 AN ACT TO PROVIDE FOR THE LICENSING OF PERSONS MAINTAINING BOARDING-HOUSES FOR INFANTS UNDER FIVE YEARS OF AGE.

Be it enacted, etc., as follows:

Boarding-house for infants under five years of age to be licensed.

SECTION 1. No person shall maintain a boarding-house for infants under the age of five years unless licensed by the board of health of the city or the selectmen of the town in which the same is located. Whoever violates the provisions of this section shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding one year or by both such fine and imprisonment.

Penalty.

What deemed to be a boarding-house for infants.

SECTION 2. Whoever shall for hire, gain or reward have in his custody or control at one time more than three infants under the age of five years, unattended by a parent or guardian, for the purpose of providing care, food and lodging for such infants, shall be deemed to maintain a boarding-house for infants within the meaning of this act.

Licenses may be granted by boards of health of cities and selectmen of towns.

SECTION 3. The board of health of cities and the selectmen of towns may grant a license to maintain a boarding-house for infants. Said boards of health and the selectmen of towns shall annually, and may at all times, visit and inspect premises so licensed, and may at any time designate any person to visit and inspect said premises.

Approved June 5, 1889.

Chap.417 AN ACT RELATING TO DEPOSITS IN INSOLVENCY CASES.

Be it enacted, etc., as follows:

Deposits in insolvency cases. P. S. 157, § 137.

In cases in insolvency, when the deposit required by section one hundred and thirty-seven of chapter one hundred and fifty-seven of the Public Statutes is made by parties other than the debtor, the surplus, if any, in the hands of the register, after the payment of fees and expenses as provided for by said section, may be paid to the parties making such deposit, and the assignee upon settlement of his account and before a dividend is ordered shall repay to such depositor out of the assets remaining in his hands all sums so applied to the payment of fees and expenses by the register out of said deposit.

Approved June 5, 1889.

AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF
THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF
SUFFOLK. Chap. 418

Be it enacted, etc., as follows:

SECTION 1. The register of probate and insolvency for the county of Suffolk shall be allowed, in addition to the amount now allowed by law, a sum not exceeding fifteen hundred dollars per annum from and after the first day of May in the year one thousand eight hundred and eighty-nine for clerical assistance actually performed, to be paid from the treasury of the county of Suffolk upon the official certificate of said register countersigned by the judge of probate and insolvency for said county.

Allowance
for clerical
assistance.

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

Approved June 5, 1889.

AN ACT AUTHORIZING THE BOARD OF POLICE OF THE CITY OF
BOSTON TO EMPLOY LEGAL ASSISTANCE. Chap. 419

Be it enacted, etc., as follows:

SECTION 1. The board of police of the city of Boston may employ legal assistance, as they may deem necessary, to assist them in the performance of their duties, and incur liability therefor to an amount not exceeding fifteen hundred dollars in any municipal year, and expenses so incurred shall be paid by the city of Boston upon the requisition of said board.

May employ
legal assistance.

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

Approved June 5, 1889.

AN ACT FOR THE RELIEF OF INSOLVENT DEBTORS. Chap. 420

Be it enacted, etc., as follows:

SECTION 1. Any mortgage or pledge of property, or payment of money given or made by an insolvent debtor for legal services rendered or to be rendered in, or in contemplation of, insolvency proceedings, shall be valid for such sum as the court of insolvency shall deem reasonable, and an appeal from the decision of said court shall be allowed in the manner provided in sections thirty-six, thirty-seven and thirty-eight of chapter one hundred and fifty-seven of the Public Statutes, for appeals of creditors or assignees.

Claim for legal
services to be
allowed at the
discretion of
the court.

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

Approved June 5, 1889.

Chap.421 AN ACT TO CONFIRM THE PROCEEDINGS AND TITLE TO LAND OF THE TRUSTEES OF THE WASHINGTON STREET METHODIST EPISCOPAL CHURCH OF BROOKLINE.

Be it enacted, etc., as follows :

Title to land, etc., confirmed.

SECTION 1. The Trustees of the Washington Street Methodist Episcopal Church of Brookline, a corporation organized on the thirteenth day of May in the year eighteen hundred and eighty-nine, under chapter thirty-eight of the Public Statutes is hereby made the lawful successor of The Washington Street Methodist Episcopal Church of Brookline, the grantee named in a deed from John Gibbs, of a certain parcel of land on the corner of Cypress and Washington streets in said Brookline, dated the thirty-first day of March in the year eighteen hundred and eighty, and recorded with Norfolk county deeds, libro five hundred and eighteen, folio three hundred and one. And said corporation shall have and hold the parcel of land described in said deed to it and its successors and assigns in fee simple forever. And all the proceedings of the trustees of said church prior to the passage of this act shall have the same force and effect as if done by said corporation.

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

Approved June 6, 1889.

Chap.422 AN ACT TO AUTHORIZE TRUANT OFFICERS TO APPREHEND AND TAKE TO SCHOOL WITHOUT WARRANT TRUANTS DISCOVERED IN THE ACT OF TRUANCY.

Be it enacted, etc., as follows :

Truant officers may apprehend truants without warrant.

SECTION 1. Truant officers in cities and towns are hereby authorized, under the direction of the school committees of their respective cities and towns, to apprehend and take to school without warrant all truants found wandering about in the streets or public places.

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

Approved June 6, 1889.

Chap.423 AN ACT TO PROVIDE FOR THE APPOINTMENT OF SPECIAL POLICE OFFICERS FOR DUTY ON ELECTION DAYS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Special police officers on election days in Boston.

The board of police for the city of Boston may appoint for duty on days on which elections are to be held in said city such number of special police officers as said board

may find to be necessary. The officers so appointed shall receive the same compensation which reserve police officers now receive, and such compensation shall be paid by the city treasurer upon the requisition of said board.

Approved June 6, 1889.

AN ACT TO SUPPLY THE TOWN OF NORTH BROOKFIELD WITH PURE WATER. *Chap. 424*

Be it enacted, etc., as follows:

SECTION 1. The town of North Brookfield may supply itself and its inhabitants with water for the extinguishment of fires and for manufacturing, domestic and other purposes; may establish fountains and hydrants, relocate 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.

North Brookfield may supply itself with water.

SECTION 2. The said town for the purposes aforesaid, and for the purpose of obtaining a supply of water, may take by purchase or otherwise and hold the water of Horse pond, so called, in said town and the waters that flow into and from the same; 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, 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.

May take water of Horse pond, etc.

May take land and erect thereon proper fixtures.

May dig up, etc., lands.

Description of land, etc., taken to be recorded in the registry of deeds.

SECTION 3. The said town, or the North Brookfield Water Company hereinafter described, 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 Worcester district registry of deeds 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, or by the president of the North Brookfield Water Company, as the case may be.

Town to pay damages sustained.

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. 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 the 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 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.

Application for damages not to be made until water is diverted.

North Brookfield Water Loan not to exceed \$100,000.

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 any amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, North Brookfield 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 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 purpose of this act, and upon such terms and con-

Sinking fund to be provided.

ditions 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 payments as will in the aggregate 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.

May provide for payment in annual payments instead of establishing sinking fund.

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.

Return required to state amount of sinking fund, etc.

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.

To raise by taxation, etc., sufficient for current annual expenses and interest.

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.

Penalty for wilfully corrupting or diverting water.

Board of water commissioners to be elected.

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 for any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Vacancies.

Subject to acceptance by a two-thirds vote.

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.

Town may sell franchise, etc.

SECTION 12. The said town of North Brookfield shall have the right, at any time before the work is commenced under this act, to sell and assign the franchise and all the rights and privileges conferred by and all the property and works acquired under the provisions of this chapter to any association of citizens of said town that may be formed for the purpose of the construction and operation of water works under this charter, on payment to the said town of the actual cost of its franchise and property of any kind held under the provisions of this act; and thereupon said citizens so associated as aforesaid, their associates and successors, shall be and become a corporation by the name of the North Brookfield Water Company, for the purpose of supplying the inhabitants of the town of North Brookfield or any part thereof with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and priv-

North Brookfield Water Company.

ileges and subject to all the liabilities set forth in this act and in all general laws which now are or may hereafter be in force, so far as the same may be applicable to such corporations. The said corporation upon taking, as herein provided, the rights and property of said town acquired under this act shall assume all outstanding obligations incurred hereunder including the bonds hereinbefore authorized. This authority to assign and sell said franchise, rights and property is granted on condition that said sale and assignment is made by said town by a two-thirds vote of the voters thereof present and voting thereon at a meeting legally called for that purpose, and that work upon said water supply shall be commenced by said corporation within two years from the date of the sale and assignment of the franchise and property as aforesaid.

Authority to sell to be granted by a two-thirds vote.

SECTION 13. 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 fifty thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum to an amount not exceeding the amount of its capital stock actually paid in and applied to the purposes of its incorporation, and may secure the same at any time by a mortgage of its franchise and property.

Real estate, capital stock and shares.

SECTION 14. The county commissioners for the county of Worcester, upon the application of the owner of any land, water or water rights taken under this act, shall 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 said 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 or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Security may be required of corporation for payment of damages and costs.

SECTION 15. In case the town shall sell and assign its franchise, rights and property, as provided in section

Rights of fire district if franchise is

sold by the town.

If corporation, etc., and town or fire district fail to agree upon price, commissioners to be appointed.

Right to purchase, subject to a two-thirds vote.

twelve, it, and any fire district that may hereafter be established therein, shall have the right at any time after the date of such sale and assignment 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, and may have a like right to purchase their interest from the mortgagees after foreclosure of any mortgage authorized by section thirteen of this act; and said corporation is authorized to make sale of the same to said town or fire district. If said corporation or said mortgagees, as the case may be, and said town or fire district are unable to agree upon the price thereof, then the compensation to be paid shall be determined by three commissioners, to be appointed by the superior court upon application by said town or fire district and notice to the other party, whose award when accepted by said court shall be binding on all parties. If said corporation shall have issued bonds under the provisions of section thirteen and the mortgage shall not have been foreclosed and the compensation to be paid shall be determined by commissioners as aforesaid, such commissioners shall find a value of such franchise, corporate property, rights, powers and privileges as if the same were unincumbered, and the mortgagees shall be entitled to be heard before such commissioners as to such value; and if the value so found shall exceed the amount of such mortgage debt said town or fire district shall acquire such franchise, property, rights, powers and privileges by paying said corporation such excess and shall assume said mortgage debt; but if the value so found should be less than the mortgage debt then said town or fire district shall acquire such franchise, property, rights, powers and privileges of said corporation, and also the interests of said mortgagees, by paying said mortgagees the amount of the value so found, and such mortgage shall thereby be discharged; and said town or fire district shall thereupon hold and possess such franchise and all said corporate property, rights, powers and privileges unincumbered and discharged from any trust. The right to purchase as aforesaid is granted on condition that the same be authorized by a two-thirds vote of the voters of said town or fire district present and voting thereon at a meeting called for that purpose.

SECTION 16. No source of water supply shall be taken under this act for domestic purposes without the recommendation and advice of the state board of health.

Source of supply subject to approval of state board of health.

SECTION 17. This act shall take effect upon its passage.

Approved June 6, 1889.

AN ACT TO REVIVE THE POWERS AND EXTEND THE TIME FOR CONSTRUCTING THE RAILROAD OF THE NEW YORK AND BOSTON INLAND RAILROAD COMPANY.

Chap. 425

Be it enacted, etc., as follows:

SECTION 1. The time within which to complete the construction of the railroad of the New York and Boston Inland Railroad Company is hereby extended until the first day of June in the year one thousand eight hundred and ninety-two, and all the rights, powers, privileges and franchises originally possessed or enjoyed by said company are to continue and be enjoyed by it in the same manner and with the same effect as if its railroad had been constructed within the time prescribed by law: *provided*, that the sum of one hundred thousand dollars is actually expended by said company in the construction of its railroad before the first day of July in the year eighteen hundred and ninety.

Time to complete construction, extended.

Proviso.

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

Approved June 6, 1889.

AN ACT TO ENABLE THE TOWN OF SOUTH HADLEY TO LOAN MONEY TO FIRE DISTRICT NUMBER ONE OF SAID TOWN.

Chap. 426

Be it enacted, etc., as follows:

SECTION 1. The town of South Hadley may for the purposes set forth in section two of this act incur indebtedness and issue notes or bonds therefor to an amount not exceeding five thousand dollars payable in periods not exceeding five years from the first day of January in the year eighteen hundred and ninety, but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall in all other respects apply to the incurring of said indebtedness and to the issue of such notes or bonds.

Town may issue bonds, etc., for benefit of fire district.

SECTION 2. The said town may loan a sum not exceeding five thousand dollars payable in periods not exceeding five years to the fire district number one of said town on such terms and conditions as it shall prescribe, and may

May loan fire district \$5,000 payable in five years.

assess and collect upon the property both real and personal within said fire district the principal and interest of such notes and bonds as they shall become due.

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

Approved June 6, 1889.

Chap. 427

AN ACT TO PROVIDE FOR THE SUPERVISION OF FOREIGN CORPORATIONS ENGAGED IN THE BUSINESS OF SELLING OR NEGOTIATING BONDS, MORTGAGES, NOTES OR OTHER CHOSSES IN ACTION.

Be it enacted, etc., as follows:

Commissioner of foreign mortgage corporations to be appointed.

Term of office.

Not to have any pecuniary interest, etc.

Powers and duties.

Vacancy.

Financial condition, etc., to be examined by commissioner before agent may act.

SECTION 1. The governor by and with the consent of the council shall appoint a citizen of this Commonwealth who shall be known as commissioner of foreign mortgage corporations. Said commissioner shall hold his office for the term of three years unless sooner removed by the governor and council. He shall be sworn to the faithful performance of the duties of his office before entering upon the discharge of the same. He shall not be in the employ of, own any stock in, or be in any way, directly or indirectly, interested pecuniarily in any association or corporation doing business in this Commonwealth and organized under the laws of another state to sell, offer for sale or negotiate bonds or notes secured by deed of trust or mortgage of real estate or choses in action owned, issued, negotiated or guaranteed by it. Said commissioner shall as regards such corporations have the same powers and be required to perform the same duties given to and required of the commissioners of savings banks by the provisions of section fourteen of chapter three hundred and eighty-seven of the acts of the year eighteen hundred and eighty-eight, and such associations or corporations shall annually make to said commissioner such returns as are required of loan and investment companies by said section fourteen. If a vacancy occurs in said office before the expiration of a term the governor and council shall appoint another commissioner as aforesaid to fill such vacancy and to serve for the remainder of such unexpired term.

SECTION 2. No person, association or corporation shall act in this Commonwealth as agent or representative of any association or corporation organized under the laws of another state for the purposes named in the preceding section unless such corporation has been duly examined as to its business and financial condition by the commissioner hereinbefore provided for.

SECTION 3. Any person who violates the provisions of the preceding section shall forfeit one thousand dollars, to be collected under the direction of the attorney-general for the Commonwealth, by the district attorney for the district in which such action may properly arise, by an action on this chapter, and it is hereby made the duty of the attorney-general to bring action for such forfeiture whenever an instance of such violation is reported to him by the commissioner, and the commissioner shall report all such instances as come to his attention.

Penalty.

SECTION 4. The commissioner may accept in lieu of an examination by himself the certificate of any state officer having supervision of such companies that examinations have been made in their respective states, provided such certificates are accompanied by a sworn statement showing the financial condition of any such company; such report to comply in all respects with the provisions of this chapter.

Commissioner may accept certain certificates in lieu of an examination.

SECTION 5. It shall be the duty of said commissioner to make the examination as provided in section two or to call for the certificate as provided in section four as often at least as once in each year.

To make examination at least once in each year.

SECTION 6. The compensation of the commissioner shall be three thousand dollars per annum, payable monthly from the treasury of the Commonwealth, which, together with all incidental and travelling expenses authorized and approved by the governor and council, shall be borne by the several companies and corporations in proportion to their business done in this Commonwealth, and shall be assessed and recovered in the same manner provided for the assessment and recovery of the expenses of the railroad commissioners.

Compensation.

SECTION 7. Whenever, in the opinion of the commissioner, any association or corporation named in section one of this act is transacting business, or its condition is such as to render its further proceeding, hazardous to the public he shall forthwith report the same with such remarks as he deems expedient to the attorney-general, who shall forthwith apply to a justice of the supreme judicial court to issue an injunction restraining such association or corporation from further transaction of business until a hearing can be had. Such justice may, with or without previous notice, issue such injunction, and after a full hearing may dissolve or modify it or make it

Injunction to be applied for, if condition, etc., is hazardous to the public.

Justice may issue injunction with or without notice.

perpetual, and may make such orders and decrees, according to the course of proceedings in equity, to restrain or prohibit the further prosecution of the business of any such person, association or corporation, as may be needful in the premises.

Approved June 6, 1889.

Chap. 428 AN ACT CONFIRMING CERTAIN PROCEEDINGS OF THE CHARLES STREET BAPTIST SOCIETY AND TO AUTHORIZE SAID SOCIETY TO DISPOSE OF ITS PROPERTY AND DISSOLVE THE CORPORATION.

Be it enacted, etc., as follows:

May make over property for such religious, etc., objects as shall be determined by a majority vote.

SECTION 1. The Charles Street Baptist Society of Boston, incorporated under chapter sixty-eight of the acts of the year eighteen hundred and twenty-eight, is hereby authorized to reduce all its property to money or negotiable securities, and to dispose of and make over the same in such manner, for such religious, benevolent or charitable objects, as a majority of the said society present and voting at a meeting thereof duly called for the purpose shall determine, and at such meeting to ratify and confirm any previous disposition of said property for religious, charitable or benevolent objects.

Society may dissolve itself by passing a vote for that purpose and filing copy of vote with the secretary of the Commonwealth.

SECTION 2. Said society may, after the disposal of all its property and estate and the payment and discharge of all debts outstanding against it, dissolve itself by duly passing a vote for that purpose, and filing with the secretary of the Commonwealth within thirty days of the passage thereof a copy of such vote duly certified by the clerk of said society; and upon the passage of such vote and filing of a copy thereof, as aforesaid, the said corporation shall cease to exist except only for the time and purpose set forth in section forty-one of chapter one hundred and five of the Public Statutes.

By laws and proceedings ratified and confirmed.

SECTION 3. The by-laws of said society as they appear upon its records to have been adopted in the year eighteen hundred and fifty-six, and all subsequent amendments thereto appearing in said records, are hereby ratified and confirmed, notwithstanding any defect or irregularity in the manner of the calling of the meetings of said society; and no acts or proceedings of said society shall be invalid by reason of any such defective calling of meetings, or by reason of any defect or irregularity in the manner of the election of its officers or the qualifications of the same.

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

Approved June 6, 1889.

AN ACT CONCERNING THE ONSET STREET RAILWAY COMPANY.

*Chap.*429

Be it enacted, etc., as follows:

SECTION 1. The Onset Street Railway Company may locate, construct and maintain a single track across Onset avenue at or near the centre of East Central avenue and West Central avenue in the town of Wareham.

May construct a track across Onset avenue in Wareham.

SECTION 2. Said company may operate its cars upon said track by animal power or by such other motive power as the selectmen of said town may from time to time permit.

Motive power.

SECTION 3. Said company may discontinue the use of said track not more than eight months in any one year.

Discontinuance of use of track.

SECTION 4. In the operation of its cars upon said track said company shall be subject to the provisions of chapter one hundred and thirteen of the Public Statutes and chapter two hundred and eighty-five of the acts of the year eighteen hundred and eighty six except as hereinbefore provided.

Subject to P. S., 113 and 1886, 255.

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

Approved June 6, 1889.

AN ACT TO AUTHORIZE THE STOCKBRIDGE WATER COMPANY TO FURNISH ADDITIONAL WATER SUPPLY.

*Chap.*430

Be it enacted, etc., as follows:

SECTION 1. The Stockbridge Water Company for the purpose of furnishing an additional supply of water to the inhabitants of the town of Stockbridge for domestic and other purposes, including the extinguishment of fires, may take by purchase or otherwise and may hold and convey through the town of Stockbridge or any part of said town the water, so far as may be necessary, of any well, spring, pond or stream within said town; and may also take by purchase or otherwise and hold any lands, rights of way and easements within said town necessary for the purposes of preserving and purifying such water or for erecting any dams or reservoirs for holding the same, and for 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 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 over or under any

Stockbridge Water Company may furnish town of Stockbridge with additional supply of water. May take and hold lands, etc.

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 or other way, under the direction of the selectmen of said town, 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.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

SECTION 2. The said corporation shall within sixty days after the taking of any lands, rights 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 Berkshire 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.

Payment of damages.

SECTION 3. 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 rights or water sources, 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 diverted.

May regulate use of water and fix and collect water rates.

SECTION 4. The said corporation may distribute water, as aforesaid secured and provided, through the said town of Stockbridge, 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 individual or corporation to supply water for domestic and other private purposes, and for the extinguishment of fires and other public purposes, as may be agreed upon by said town or such individual or corporation and said Stockbridge Water Company.

SECTION 5. The said corporation may for the purposes set forth in this act hold real estate to an amount not exceeding fifty thousand dollars, and may increase its capital stock to an amount not exceeding seventy-five thousand dollars, to be divided into shares of fifty dollars each, and may issue such portion thereof as the stockholders at a meeting called for that purpose may vote as preferred stock, entitled to dividends not exceeding three per centum semi-annually in preference and priority to dividends upon the common stock. 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 not exceeding its capital stock actually paid in and applied to the purposes of this act.

Real estate,
capital stock
and shares.

May issue
bonds.

SECTION 6. 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 other property constructed, made, held or used for the purposes of and under the authority of this 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.

Penalty for
wilfully cor-
rupting or
diverting water.

SECTION 7. The said town of Stockbridge 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 on taking, as herein provided, the property of

Town may take
franchise and
property at any
time.

To assume all
outstanding
obligations.

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 to said corporation. In case of a foreclosure of any mortgage authorized by this act the said town may take possession of the property and rights of said corporation on the payment of the bonds secured by said mortgage, principal and interest. In case said 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 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 town 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 the condition that the taking is assented to by said town by a two-thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Authority to take franchise to be assented to by a two-thirds vote.

Stockbridge Water Loan not to exceed \$500,000.

SECTION 8. The said town 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 sixty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Stockbridge 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 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. And said town 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 town shall decide to establish a sinking fund it shall contribute

Sinking fund to be established.

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 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 town, be raised annually by taxation in the same way as money is raised for other town purposes.

SECTION 9. 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.

Returns required to state amount of sinking fund, etc.

SECTION 10. After the purchase of said franchise and corporate property, as herein provided, the said town 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 town, together with such payments on the principal as may be required under the provisions of this act. Said town is further authorized, by assent of two-thirds of the voters of said town 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.

Town to raise by taxation, etc., sufficient for current annual expenses, interest, etc.

May raise money for extension of works.

SECTION 11. The said town 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 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

Board of water commissioners to be elected.

and regulations as said town 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 at any legal meeting called for the purpose. No money shall be drawn from said town 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 in writing of their doings and expenditures.

To be trustees of sinking fund.

Vacancy.

To make annual report.

Town may adopt by-laws, rules and regulations, etc.

Work to be commenced within one year.

SECTION 12. The said town may adopt by-laws prescribing by whom and how meetings may be called and notified. The said town 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 13. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within one year from the date of its passage.

Approved June 7, 1889.

Chap. 431 AN ACT TO INCORPORATE THE WATER WORKS SECURITY COMPANY OF MASSACHUSETTS.

Be it enacted, etc., as follows:

Water Works Security Company of Massachusetts, incorporated.

SECTION 1. Richard F. Barrett, William H. Bowker, Charles F. Parks, John H. Chapman and William Wheeler, their associates and successors, are made a corporation by the name of the Water Works Security Company of Massachusetts, for the purposes hereinafter set forth; to have its place of business in the city of Boston and to be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes, so far as the same do not conflict with the provisions of this act, and to all general laws which now are or hereafter may be in force relating to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not be less than one hundred thousand dollars nor more than five hundred thousand dollars, divided into shares of the par value of one hundred dollars each; and no busi-

ness shall be transacted by the corporation until the whole amount of its capital stock 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.

SECTION 3. The said corporation is hereby authorized and empowered to purchase the first mortgage bonds of any water supply company or water works corporation, or the municipal water bonds, notes or scrip issued for the construction of water works by any city or town of the United States: *provided*, the total issue of such bonds shall in no case exceed eighty per cent. of the actual cost of the works and property pledged to secure them, — the municipal securities aforesaid being excepted hereunder.

May purchase first mortgage bonds of any water supply company, etc.

Proviso.

SECTION 4. Said corporation may issue bonds or debentures to secure the payment of which it shall from time to time assign, transfer and set over to a trust company established under the laws of this Commonwealth, as trustee, securities purchased in accordance with the provisions of section three, to be held by such trust company in trust for the benefit of the holders of said bonds or debentures; whereupon such trust company shall endorse its certificates of such fact upon such debentures or bonds not exceeding in amount ninety per cent. of the face value of the securities so transferred to it, but the amount of the securities of any one company or municipality which may be so transferred and set over to such trust company shall not exceed the sum of the paid up capital and guarantee fund of this corporation.

Corporation may issue bonds or debentures.

SECTION 5. The total amount of bonds or debentures issued by this corporation shall at no time be in excess of fifteen times the sum of its paid up capital and guarantee fund.

Amount of bonds issued not to exceed fifteen times sum of capital, etc.

SECTION 6. The corporation 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-half 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 7. The said corporation may invest any of its surplus or unapplied funds in such securities as it is hereby authorized to purchase, and may at all times make sale of said securities to any amount: *provided*, such sale

Investment of surplus, etc.

shall not impair the trust and guarantee funds herein provided.

Taxation.

SECTION 8. For purposes of taxation said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes.

Statement of assets, etc., to be published.

SECTION 9. The said corporation shall publish annually in one or more newspapers published in the city of Boston a statement of its assets and liabilities, sworn to by its president, treasurer and a majority of its directors.

Books to be open to inspection of stockholders, etc.

SECTION 10. The books of the corporation shall at all reasonable times be open for inspection to the stockholders and to all holders of bonds and debentures issued by said corporation, or of notes or other evidence of debt guaranteed by it.

To be under supervision of commissioner of foreign corporations.

SECTION 11. The commissioner appointed to supervise foreign corporations engaged in the business of selling or negotiating in this Commonwealth bonds, mortgages, notes or other choses in action, shall as regards this corporation have the same powers and be required to perform the same duties as are given to him in the supervision of said foreign corporations.

SECTION 12. This act shall take effect upon its passage.

Approved June 7, 1889.

Chap. 432

AN ACT CONCERNING THE ORDER OF TRIALS IN CRIMINAL CASES.

Be it enacted, etc., as follows :

Trial list of criminal cases to be made up by the district attorney.

SECTION 1. Section one of chapter one hundred and ninety-three of the acts of the year eighteen hundred and eighty-four is hereby amended by adding at the end thereof the words : — for cause shown in each case, — so as to read as follows : — *Section 1.* At each term of the superior court held for the trial of criminal cases, the district attorney before the trials begin shall make up and deposit with the clerk for inspection of all parties, a list of all cases to be tried at that term, and trials shall be had in the order of such trial list unless otherwise ordered by the court for cause shown in each case.

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

Approved June 7, 1889.

AN ACT TO ABOLISH THE TERM FEES OF CLERKS IN THE SUPREME JUDICIAL AND SUPERIOR COURTS AND BEFORE COUNTY COMMISSIONERS. *Chap.433*

Be it enacted, etc., as follows :

SECTION 1. So much of section four of chapter one hundred and ninety-nine of the Public Statutes as provides for fees of clerks of courts for each term during which an action, complaint or proceeding is pending, is hereby repealed so far as the same may be applicable to such actions, complaints or proceedings before the supreme judicial and superior courts, and before county commissioners, pending prior to the first day of July in the year eighteen hundred and eighty-eight.

Term fees of the clerks of the courts abolished.

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

Approved June 7, 1889.

AN ACT RELATING TO THE TRANSMISSION OF INTELLIGENCE BY TELEPHONE. *Chap.434*

Be it enacted, etc., as follows :

All the provisions of law granting to persons and corporations authority to erect, lay and maintain and to cities and towns authority to regulate telegraph or telephone lines conveying intelligence by electricity, shall, so far as applicable, apply to the lines for transmission of intelligence by telephone, whether the same be by electricity or otherwise. Nothing herein contained shall be construed as affecting existing laws of taxation.

Transmission of intelligence by telephone.

Approved June 7, 1889.

AN ACT TO PROVIDE FOR MAKING THE PROBATE OF A WILL OR A DETERMINATION OF INTESTACY CONCLUSIVE IN CERTAIN CASES. *Chap.435*

Be it enacted, etc., as follows :

A decree allowing a will or adjudicating the intestacy of the estate of a deceased person in any court in this Commonwealth having jurisdiction thereof shall, after two years from the rendition of such decree, or, if proceedings for a reversal thereof are had, after two years from the establishment of such decree, be final and conclusive in favor of purchasers for value, in good faith, without notice of any adverse claim, of any property, real or personal, from devisees, legatees, heirs, executors, administrators or guardians, and in favor of executors, administrators,

Probate of a will or a determination of intestacy made conclusive in certain cases.

trustees and guardians, who have settled their accounts in due form, and have in good faith disposed of the assets of the estate in accordance with law, and also in favor of persons who have in good faith made payments to executors, administrators, trustees or guardians. It is, however, provided that devisees, legatees, heirs and distributees shall, in case of a subsequent decree reversing or qualifying the decree so originally rendered, be liable to a subsequent executor, administrator or other person found entitled thereto, for any proceeds or assets of the estate received by them under the former decree, and in such case proceeds of real estate shall be treated as real estate. It is provided further that nothing contained in this act shall be construed to make an adjudication of the fact of death conclusive to an extent to which it would not be conclusive by existing law.

Approved June 7, 1889.

Chap. 436 AN ACT TO ENABLE THE TOWN OF WASHINGTON TO ELECT AN AUDITOR OR AUDITORS AT A SPECIAL MEETING.

Be it enacted, etc., as follows:

Town may elect one or more auditors for the current year.

SECTION 1. The town of Washington may at a special meeting called for that purpose within six months after the passage of this act elect one or more auditors for the current year, who shall perform such duties as are required of auditors elected under chapter two hundred and ninety-five of the acts of the year eighteen hundred and eighty-six and chapter two hundred and twenty-one of the acts of the year eighteen hundred and eighty-eight in amendment thereto.

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

Approved June 7, 1889.

Chap. 437 AN ACT TO FIX THE TENURE OF OFFICE OF THE MEMBERS OF THE POLICE FORCE OF THE TOWN OF WATERTOWN.

Be it enacted, etc., as follows:

Tenure of office of members of police force.

SECTION 1. All members of the regular police force of the town of Watertown shall hold office during good behavior. And such officers may be removed by a majority of the board of selectmen after due hearing for such cause as they may deem sufficient.

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

Approved June 7, 1889.

AN ACT TO AUTHORIZE THE ENLARGEMENT OF THE PROPOSED *Chap.438*
MARINE PARK IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. 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 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 east of the westerly line of Q street, extending southerly into old harbor, and northerly to the southerly line of the reserved channel as established by the board of harbor and land commissioners and approved by the governor and council under chapter forty-six of the resolves of the year eighteen hundred and eighty-six, and south of the said southerly line of said reserved channel 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.

Park commissioners of Boston may erect structures over tide-water for purposes of a public park.

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.

All lands occupied to be used for public park.

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

Approved June 7, 1889.

AN ACT TO PROVIDE FOR THE BUILDING, MAINTENANCE AND OPERATION OF A SYSTEM OF SEWAGE DISPOSAL FOR THE MYSTIC AND CHARLES RIVER VALLEYS. *Chap.439*

Be it enacted, etc., as follows:

SECTION 1. The governor by and with the advice and consent of the council shall appoint three able and discreet men, inhabitants of the Commonwealth, who shall constitute a board to be known as the metropolitan sewerage commissioners, and who shall hold office, one for the term of five years, one for the term of four years and one for the term of three years beginning with the first Monday in January in the year eighteen hundred and eighty-nine; and in the year eighteen hundred and ninety-two and

Metropolitan sewerage commissioners to be appointed.

annually thereafter the governor shall appoint, as aforesaid, one such commissioner to hold office for the term of three years beginning with the first Monday in January in the year of his appointment, and in case of any vacancy occurring in said board by resignation or otherwise shall in the same manner appoint a commissioner for the residue of the term, and may in the same manner remove any commissioner. The members of said board shall each receive the salary of three thousand dollars per year.

Salaries.

Organization of board.

SECTION 2. Said board shall, as soon as may be after its appointment and annually thereafter on the first Monday of February of each year, organize by the choice of one of its members as chairman, and shall at the same meeting elect a clerk, who shall not be a member of said board, and may from time to time appoint such agents, officers and servants as it may deem necessary to carry out the purposes of this act, and may determine their duties and compensation and remove the same at pleasure. Said board shall be furnished with an office in some suitable place in the city of Boston in which the maps, plans and documents relating to its business, and to the sewers, land and other property in its charge, and records of all its doings shall be kept.

To construct, maintain and operate certain sewers.

SECTION 3. Said board shall construct, maintain and operate for the cities of Boston, Cambridge, Somerville, Malden, Chelsea, Woburn, and the towns of Stoneham, Melrose, Winchester, Arlington, Belmont, Medford, Everett and Winthrop, such main sewers and other works as shall be required for a system of sewage disposal for said cities and towns, and for the cities of Boston, Waltham and Newton, and the towns of Watertown and Brookline another such system, both of which systems shall be in substantial accordance with the plans reported and recommended by the state board of health in its report to the legislature of eighteen hundred and eighty-nine; and for that purpose may make all contracts necessary for the construction of the sewers and works aforesaid, or may where deemed advisable carry on such construction by day labor. Said board may from time to time contract with any other city or town for the extension thereto of either of said systems of sewage disposal, and for the reception and disposal of sewage therefrom.

Board may take lands, etc., by

SECTION 4. Said board acting on behalf of the Commonwealth may take by purchase or otherwise any lands,

water-courses, rights of way or easements, and may take by purchase or otherwise or enter and use any existing sewers or parts of sewers necessary for the carrying out under the provisions of this act of the recommendations and plans of said state board of health contained in its said report. When any lands, water-courses, rights of way or easements, or any sewers or parts of sewers are so taken or entered and used in any manner other than by purchase or agreement, said board shall within thirty days of said taking or entering and using cause to be recorded in the registry of deeds for the county or district in which such lands, water-courses, rights of way or easements, or sewers or parts of sewers 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 or entered and used, which description shall be signed by a majority of said board; and the fee of the lands, water-courses, rights of way or easements, or sewers or parts of sewers so taken or purchased shall vest in the Commonwealth, which shall pay, in the manner hereinafter described, all damages that shall be sustained by any person or corporation by reason of such taking or entering as aforesaid. Such damages to be agreed upon by said board and the person or corporation injured; and if the parties cannot agree a jury in the superior court of the county in which the property taken or damaged is situated may be had to determine the same in the same manner as a jury is had and damages are determined in the case of persons dissatisfied with the estimate of damages sustained by the laying out of ways in the city of Boston: *provided, however*, that no suit for such damages shall be brought after the expiration of two years from the date of the recording of the taking or entering as herein required.

purchase or otherwise.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

Damages.

Suit for damages not to be brought after two years from recording, etc.

SECTION 5. Said board may, for the purposes aforesaid, carry and conduct any sewer by it to be made and constructed under or over any water-course, or any street, turnpike road, railroad, highway or other way in such manner as not unnecessarily to obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way for the purpose of laying down sewers beneath the surface thereof and for maintaining and repairing the same; and in general may do any other acts and things necessary or convenient and proper for the purposes

May carry sewer over or under street, water-course, etc.

of this act. In entering upon and digging up any such road, street or way of public travel it shall be subject to such reasonable regulations as may be made by the mayor and aldermen or selectmen of the cities and towns respectively wherein such works shall be performed.

Roads and streets to be restored to good order and condition.

SECTION 6. Whenever said board shall dig up any road, street or way, as aforesaid, it shall so far as practicable restore the same to as good order and condition as the same was in when such digging commenced. And the Commonwealth shall at all times indemnify and save harmless the several cities and towns within which such roads, streets or ways may be against all damages which may be recovered against them respectively, and shall reimburse to them all expenses which they shall incur by reason of any defect or want of repair in any road, street or way caused by the construction of any of said sewers, or by the maintaining or repairing of the same: *provided*, that said board shall have due and reasonable notice of all claims for such damages or injury and opportunity to make a legal defence thereto.

May change direction of any water-course, etc.

SECTION 7. Said board may also alter or change the course or direction of any water-course, or may with the consent of the mayor and aldermen of cities or selectmen of towns alter or change the location or grade of any highway, townway, public street or way of travel crossed by any sewers constructed under the provisions of this act, or in which such sewers may be located.

Accurate accounts to be kept.

SECTION 8. Said board shall at all times keep for each of said systems full, accurate and separate accounts of its receipts, expenditures, disbursements, assets and liabilities, and shall include an abstract of the same in its annual report to the general court.

Connection of local sewers with main sewers.

SECTION 9. Any city or town within whose limits any main sewer shall have been constructed under the provisions of this act shall connect its local sewers with such main sewer, subject to the direction and control of said board, and any person, firm or corporation may, subject to the direction, control and regulation from time to time of said board, and subject to such terms, conditions and regulations as each city or town may prescribe, connect private drains with said main sewer.

Penalties for injury to property.

SECTION 10. Any person or persons who shall wantonly or maliciously destroy or injure any sewer or other property, held or used by said board by the authority and

for the purposes of this act, shall forfeit and pay to the Commonwealth three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And every such person or persons may, on indictment and conviction of either of the wanton or malicious acts aforesaid, be punished by a fine not exceeding one thousand dollars and imprisonment not exceeding one year.

SECTION 11. The state board of health shall, on the organization of the board created by this act, transfer and deliver over to said board all books, plans, maps, engineers' reports, instruments and other property acquired during the surveys and investigations relating to the systems of sewage disposal for the Mystic and Charles river valleys on which the report of the said board of health, hereinbefore referred to, was founded.

Plans, maps, etc., to be delivered over to the board by the state board of health.

SECTION 12. To meet the expenses incurred under the provisions of this act, the treasurer and receiver-general shall with the approval of the governor and council issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal to an amount not exceeding five million dollars, for a term not exceeding forty years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Such scrip or certificates of debt shall be designated on the face as the Metropolitan Sewerage Loan; shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth redeemable at the time specified therein in the lawful money of the United States, and shall be sold and disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts and at such rate of interest not exceeding four per centum per annum as the governor and council shall deem for the best interest of the state. The treasurer and receiver-general shall on issuing any of said scrip or certificates of debt establish a sinking fund, and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at maturity. But in such apportionment of a sinking fund the assessment shall be at the rate of one-eightieth part of the whole amount in each of the first ten years, one-

Metropolitan Sewerage Loan not to exceed \$5,000,000.

Sinking fund to be established.

Premium on scrip to be applied to payment of interest.

Amounts to be paid by the several cities and towns for five years to be determined by commissioners appointed by the supreme judicial court.

After expiration of five years other commissioners to be appointed for like purpose.

Amount required from each city and

sixtieth part in each of the second ten years, one thirtieth part in each of the third ten years and the remainder equally divided in the next ten years. Any premium realized in the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

SECTION 13. The supreme judicial court sitting in equity shall, on the application of said board after notice to each of the cities and towns hereinbefore named, appoint three commissioners, who shall not be residents of any of the cities or towns mentioned in this act, who shall after due notice and hearing and in such manner as they shall deem just and equitable determine for each system the proportion in which each of the cities and towns hereinbefore named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year of the first issue of said scrip or certificates, to meet the interest and sinking fund requirements for each of said years as estimated by said treasurer, and to meet the cost of maintenance and operation of said system for each of said years, as estimated by the said board and certified to said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

SECTION 14. Before the expiration of said term of five years and every five years thereafter other commissioners, who shall not be residents of any of the cities or towns mentioned in this act, shall be appointed as aforesaid, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns in each of said systems shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

SECTION 15. The amount of money required each year from each such city and town to meet the interest,

sinking fund requirements and cost aforesaid for that system in which it is included for each year, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

town to be estimated by treasurer, and assessed and collected with the state tax.

SECTION 16. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

Supreme judicial court to have jurisdiction in equity.

SECTION 17. This act shall take effect upon its passage.

Approved June 7, 1889.

AN ACT CONCERNING THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

Chap. 440

Be it enacted, etc., as follows :

PRINTING AND DISTRIBUTION OF THE LAWS.

SECTION 1. The secretary of the Commonwealth shall at the close of each session of the general court collate and cause to be printed in one volume, in style and arrangement as heretofore, all the acts and resolves passed and any amendments to the constitution agreed to during such session, with the governor's address and messages, the constitution of the Commonwealth, a list of the changes of names returned during the preceding year by the probate courts, a list of the officers of the civil government of the Commonwealth and an index.

Printing of acts and resolves at the close of each session of the general court.

SECTION 2. Seven thousand five hundred copies of said volume shall be printed, and the secretary shall immediately after their publication deposit one of said copies in his office and distribute others as follows:—

Distribution of the acts and resolves.

To the clerk of the senate, for the use of the senate, twelve copies.

To the clerk of the house of representatives, for the use of the house, twenty-four copies.

Distribution
of the acts
and resolves.

To the librarian of the state library, for the use of the library, twenty-five copies.

To each member of the general court and to the clerks of each branch thereof, ten copies.

To the following officers, persons and institutions, one copy each : —

The governor; the lieutenant-governor; each member of the council; the treasurer and receiver-general; the auditor of the Commonwealth; the attorney-general; the adjutant-general; the masters in chancery; trial justices; justices of the peace to issue warrants and take bail; the judges, clerks and registers of the judicial courts; the district attorneys; the county commissioners; the sheriffs and keepers of jails; the registers of deeds; the keepers of the houses of correction; the warden of the state prison; superintendents of the Massachusetts reformatory and reformatory prison for women; the county treasurers; the several clerks of cities and towns, for the use of such places; Harvard university, for the law library; Harvard university; Williams college; Amherst college; Tufts college; Historic-genealogical society; the trustees of the Museum of comparative zoölogy; the American academy of arts and sciences; the Massachusetts historical society; the Boston athenæum; the American antiquarian society in Worcester; the Pilgrim society in Plymouth; the Old colony historical society in Taunton; Essex institute; the Williston seminary; Boston university; Massachusetts institute of Technology; the college of the Holy Cross at Worcester; the Massachusetts agricultural college at Amherst; Wellesley college; Smith college; Boston college; Boston dental college; Worcester county free institute; the State normal schools; to such high schools in the Commonwealth as may apply for them; the Mount Holyoke female seminary and college; the Bradford academy; to each incorporated academy; and to one common school in each town having no high school, such school to be designated by the school committee of said town; to each free public library in the Commonwealth which is open to the use of the inhabitants of the city or town where it is situated; the chief of the district police; insurance commissioner; secretary of the board of agriculture; board of lunacy and charity; board of education; harbor and land commissioners; commissioners of prisons; railroad commis-

sioners; commissioners of savings banks; bureau of statistics of labor; controller of county accounts; civil service commission; state board of health; gas and electric light commissioners; the law library societies in each county; the judges of the supreme court of the United States; the judge of the district court of the United States for the district of Massachusetts; the clerks of the courts of the United States for the district of Massachusetts.

To the secretary of state of the United States, four copies.

To the secretary of each state and territory of the United States, for the use of the state or territory, three copies.

To the library of congress, three copies.

SECTION 3. The secretary of the Commonwealth shall also at the close of each session of the general court cause to be published in pamphlet form twenty-five thousand copies of all the acts and resolves passed and of any proposed amendments to the constitution agreed to during such session, and shall cause a copy of each separate portion or signature, so called, of such edition, as soon as it may be printed, to be sent to each of the following officers: — the clerks of the several cities and towns, for the use of the inhabitants thereof; the justices and clerks of the supreme judicial and superior courts; the judges and clerks of the municipal, police and district courts; the judges and registers of the probate courts; the district attorneys; the sheriffs; the trial justices; the justices of the peace designated to issue warrants and take bail; the county law libraries of the Commonwealth. He shall cause the remaining copies to be apportioned according to the census and sent to the clerks of the several cities and towns, to be delivered by them to such inhabitants of said cities and towns as make application therefor; but when it appears from the representation of the clerk of a city or town that the number of copies to which such city or town is entitled is greater than the number applied for by its inhabitants, the portion assigned to such city or town may be diminished.

Pamphlet edition of the acts and resolves to be printed and distributed.

SECTION 4. The secretary shall, at an annual expense of not more than five hundred dollars, publish the general laws and other official information intended for the public in such newspaper in the Commonwealth as he may select.

General laws to be published in a newspaper to be designated by the secretary.

PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Certain reports to include the year ending on the thirtieth day of September.

SECTION 5. The annual reports which are required by law or custom to be made to the governor and council, to the general court, to the secretary of the Commonwealth, or to the governor to be by him transmitted to the general court, shall except when other provision is made include the year ending on the thirtieth day of September and be submitted to the secretary of the Commonwealth on or before the fifteenth day of October; and whoever wilfully neglects to make and transmit a report as required by this section shall forfeit ten dollars for each day such neglect continues.

Public officers, etc., to make special reports when public interests so require.
Series of public documents.

SECTION 6. Public officers, trustees of public institutions and boards shall in addition to their annual reports make special reports when the public interests so require.

SECTION 7. There shall be printed annually on or before the assembling of the general court or as soon thereafter as possible the number of copies of documents and reports specified in the following list, the same to be numbered in a series to be called public documents and distributed as herein provided. Said reports shall be made as brief as may be without omitting any facts or information which the officers or departments making them are required by law to furnish therein, and they shall be transmitted to the general court through the office of the secretary of the Commonwealth. No larger number of copies than is herein provided for shall be printed at the expense of the Commonwealth, or be paid for out of any contingent fund or out of the earnings of any department or institution where such earnings are the property of the Commonwealth; and no bill for printing any larger number shall be approved by the auditor or paid out of any funds belonging to the Commonwealth.

Report of treasurer and receiver-general, one thousand five hundred copies.

Report of auditor of accounts, one thousand five hundred copies.

Report of attorney-general, one thousand two hundred and fifty copies.

Report of adjutant-general, two thousand copies.

Report of secretary of the state board of education, four thousand five hundred copies.

Report of librarian of state library, one thousand five hundred copies. Series of public documents.

Report of secretary of the state board of agriculture, fifteen thousand copies.

Report of trustees of Massachusetts agricultural college, five thousand copies, thirty-five hundred of which shall be for the use of said college.

Report of board of control of the state agricultural experiment station, twenty-five thousand copies; fifteen thousand copies of which shall be bound with the reports of the secretary of the state board of agriculture, and eight thousand copies shall be for the use of the said board of control.

Report of state board of lunacy and charity, two thousand copies.

Report of the state board of health, five thousand copies.

Report of railroad commissioners, four thousand two hundred and fifty copies; two thousand two hundred and fifty of which shall be bound without returns.

Report of savings bank commissioners, two thousand five hundred copies.

Report of controller of accounts of county officers, etc., one thousand copies.

Report of insurance commissioner on fire insurance, two thousand five hundred copies.

Report of insurance commissioner on life insurance, three thousand copies.

Report of harbor and land commissioners, one thousand five hundred copies.

Report of board of commissioners of prisons, one thousand seven hundred and fifty copies; of that portion of said report referring to the reformatory prison for women, five hundred copies for the use of the superintendent; of that portion referring to the state prison, five hundred copies for the use of the warden; of that portion of said report referring to the Massachusetts reformatory, five hundred copies for the use of the superintendent, and of that portion referring to the agent for aiding discharged convicts, two hundred and fifty copies for the use of said agent.

Report of commissioners on inland fisheries and game, two thousand copies.

Report of tax commissioner, one thousand five hundred copies.

Series of public documents.

Aggregates of polls, property and taxes, one thousand five hundred copies.

Abstract of returns of corporations, two thousand five hundred copies.

Report of registration of births, marriages and deaths, two thousand copies.

Report of bureau of statistics of labor, six thousand copies, and in addition thereto five hundred copies in parts.

The reports of the bureau of statistics of labor, or any part thereof, may be electrotyped at the discretion of the chief of said bureau.

Report of trustees of state primary and reform schools, one thousand five hundred copies.

Reports of trustees of the lunatic hospitals at Northampton, Taunton, Worcester, Danvers, and the insane hospital at Westborough, two thousand copies each.

Report of trustees of the state farm, two thousand copies.

Report of trustees of the state almshouse, one thousand five hundred copies.

Report of trustees of Perkins institution and Massachusetts school for the blind, one thousand two hundred and fifty copies.

Report of Massachusetts school for the feeble-minded, one thousand five hundred copies.

Report of board of registration in dentistry, one thousand five hundred copies.

Report of board of registration in pharmacy, one thousand five hundred copies.

Report of board of arbitration and conciliation, one thousand five hundred copies.

Report of chief of district police, one thousand five hundred copies.

Report of general superintendent of prisons, one thousand two hundred copies.

Report of gas and electric light commissioners, three thousand copies.

Report of cases of contested elections, one thousand copies, five hundred copies of which shall be for the use of the general court.

Report of statistics of manufactures, ten thousand copies.

Distribution of public documents.

SECTION 8. Five hundred copies of each of the series of public documents named in the preceding section shall

be retained by the state printers for binding in sets; and the secretary of the Commonwealth shall furnish one set in a bound volume with a brief index to each city and town in the Commonwealth, to be preserved in some public place therein, and one set to such public and other libraries as he in his discretion may select. All public documents the distribution of which is not otherwise provided for shall be distributed under direction of the secretary of the Commonwealth and of the secretaries or heads of the several boards and departments to which they relate.

SECTION 9. There shall also be printed the following:—

One thousand copies of the journals of the senate and house of representatives, to be distributed as follows, to wit: one copy to each member of the legislature, one copy to be sent to each public and incorporated library in the state by the secretary of the Commonwealth, and the balance to be distributed under the direction of the clerks of the two branches.

Journals of senate and house.

Of the manual of the general court, to be prepared each year by the clerks of the two branches, eight thousand five hundred copies.

Manual.

Of the lists of members and committees of the general court, to be prepared each year by the clerks of the two branches, one thousand two hundred copies.

Lists of members and committees.

Of a book containing rulings of the two branches of the general court, with notes of rulings of the presiding officers, a list of members and committees of the general court, in convenient form for pocket use, to be prepared each year by the clerks of the two branches, seven hundred copies, three hundred and fifty of which shall be bound in memorandum book form for the use of members and officers of the general court.

Rulings of the two branches of the general court, with notes of rules of presiding officers.

Of the governor's address, nine hundred copies for the use of the general court, and one thousand one hundred copies in addition, five hundred of which shall be for the personal use of the governor.

Governor's address.

SECTION 10. Each member of the executive and legislative departments, the clerks and assistant clerks of both branches of the general court, and each reporter assigned a seat in either branch, shall be entitled to receive one copy of each of the documents named in sections seven and nine, and ten copies of each shall be placed in the state library for the use of said library and for exchange.

Distribution of documents named in sections seven and nine.

Distribution.

Each member of the general court shall be entitled to receive sixteen copies of the manual; three hundred copies thereof shall be reserved for the succeeding general court. The following distribution shall be made by the secretary of the Commonwealth: one copy to each of the free and public libraries in the Commonwealth; one copy to each of the city and town clerks for the use of said city or town; one copy to each of the justices of the supreme judicial and superior courts, and the clerks thereof; the justices and clerks of the several municipal, district and police courts; the trial justices; the judges and registers of probate and insolvency; registers of deeds; county commissioners; treasurers and sheriffs of the several counties; medical examiners; the trustees and superintendents of the several state institutions; to each of the officers of the several state boards and commissions; and the principals of the state normal schools. Fifty copies shall be placed in charge of the state librarian for the purpose of exchange. The remaining copies of the manual and of the lists of members and committees shall be distributed by the clerks of the two branches, at their discretion, but members of the general court and state officers shall be entitled to first consideration.

Each member of the general court and the clerks of each branch thereof shall also be entitled to receive twenty-four additional copies of the report of the secretary of the board of agriculture; seven additional copies of the report of the state board of health; seven additional copies of the report of the bureau of statistics of labor, and five additional copies of the report of the secretary of the board of education.

Reports of certain officers may be put in type previous to first Wednesday in January.

SECTION 11. The treasurer, auditor, attorney-general, adjutant-general, board of education, and board of agriculture, in their discretion may require any portion of their reports to be put in type previous to the first Wednesday in January annually.

Towns hereafter incorporated to be furnished with reports of decisions of supreme judicial court, etc.

SECTION 12. The secretary of the Commonwealth shall furnish to every town hereafter incorporated a full set of the reports of the decisions of the supreme judicial court, a copy of the Public Statutes and copies of all such documents then in his department as shall have been previously furnished to towns by the Commonwealth: *provided*, that the clerk of such town shall first file with the secretary a certificate in writing to the effect that the town

has provided at its own expense a suitable book-case for the preservation of the documents so to be furnished.

SECTION 13. No town which has ever been furnished with any documents shall in case of loss or destruction be again supplied with the same at the expense of the Commonwealth.

Not to be again supplied if lost or destroyed.

SECTION 14. Chapter four of the Public Statutes, and chapter three hundred and sixty-nine of the acts of the year eighteen hundred and eighty-five, and chapters twenty-three, eighty-five, one hundred and twenty-two, one hundred and eighty-six and two hundred and fifty-six of the acts of the year eighteen hundred and eighty-eight; and chapters thirty-two, thirty-five, one hundred and twenty-four, one hundred and fifty, one hundred and sixty-four, and two hundred and twelve of the acts, and chapter thirteen, of the resolves, of the year eighteen hundred and eighty-nine, and all acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 15. This act shall take effect upon its passage.

Approved June 7, 1889.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE CERTAIN LANDS IN SOUTH RIVER FOR THE LAYING OUT OF STREETS AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

Chap.441

Be it enacted, etc., as follows:

SECTION 1. The city of Salem, for the purpose of laying out streets or ways therein and of abating or preventing any nuisance in the South river, so called, in said city, may from time to time acquire by purchase or take any or all of the lands and flats in said city lying or included in said South river easterly of the location of the Eastern Railroad Company and between Mill and Cedar streets.

May take lands and flats in South river.

SECTION 2. The said city shall cause to be recorded in the registry of deeds for the southern district of the county of Essex a description of any lands or flats taken under this act as certain as is required in an ordinary conveyance of land, with a statement signed by the mayor of said city that the same are taken in the name and behalf of said city under the provisions hereof; and the recording of such description and statement shall be deemed to be the taking of such lands or flats and to be sufficient notice to all persons that the same have been so taken.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

Title to vest in the city.

The title to all lands and flats so taken shall thereupon vest absolutely in said city.

Settlement of damages.

SECTION 3. The said city shall have full power to settle by agreement or arbitration the amount of damages sustained by any person in his property by reason of the taking of any lands or flats as aforesaid; and if not so settled the same may be assessed by a jury at the bar of the superior court for said county of Essex upon petition to be filed by such person at any time within two years after such taking, and not afterwards. The provisions of sections sixty-five, sixty-six and seventy-six of chapter one hundred and sixty-seven of the Public Statutes shall apply to any such proceeding; and the rights of persons having different, separate or contingent interests or estates in any parcel of lands or flats so taken shall be the same, in respect to the disposition of the damages agreed upon or awarded as aforesaid, as are provided by law in respect to damages for land taken for highways.

May fill lands and flats with suitable material.

SECTION 4. The said city may from time to time fill with suitable material and otherwise improve any lands or flats acquired or taken as aforesaid or any portion thereof, and shall abate any nuisance existing or arising thereon, and may lay out any streets or ways upon and over the same, and may sell and convey or otherwise dispose of any portion of said lands and flats not required for public uses.

Subject to provisions of P. S. 19.

SECTION 5. All things done under the authority of this act in and over tide-water shall be subject to the provisions of chapter nineteen of the Public Statutes.

To take effect upon acceptance.

SECTION 6. This act shall take effect when accepted by the city council of said city. *Approved June 7, 1889.*

Chap. 442 AN ACT TO PROVIDE FOR DETERMINING THE VALIDITY, NATURE OR EXTENT OF CERTAIN INCUMBRANCES UPON TITLES TO REAL ESTATE.

Be it enacted, etc., as follows:

When estate is conveyed with covenants of title, etc., petition may be made to the supreme judicial court for determination of possible incumbrance.

SECTION 1. When the title to land appears of record to be affected by a possible condition, restriction, reservation, stipulation or agreement made or imposed more than thirty years prior to the commencement of the proceedings hereinafter provided for, any person having a freehold estate, vested or contingent, in possession, reversion or remainder, in said land, or in any undivided or any aliquot part thereof, or any interest therein which may

eventually become a freehold estate, and any person who has conveyed such estate or any such interest therein with covenants of title or warranty, may file a petition in the supreme judicial court for the purpose of determining the validity or defining the nature and extent of such possible condition, or other incumbrance, against any person who might be entitled in any event to claim to set up the same or to enforce or avail himself thereof. Two or more such defects of the same general character in a title to the same parcel of land or to different portions of the same parcel of land may be set forth in the same petition, and in case of a contest the court shall make such order for separate issues as may be proper.

Two or more defects may be set forth in same petition.

SECTION 2. When it is averred in the petition that there are necessary or proper respondents whose names are unknown to the petitioner, proceedings may be had against such respondents by a general description of them, as the heirs or devisees of the person deceased, as persons claiming under certain persons named or described, as the owners of certain lands, or otherwise. When the precise name of any respondent cannot be ascertained, he may be described as accurately as practicable; and when it is averred that there are classes of necessary or proper respondents whom it is impracticable and unnecessary to name and to have served with process individually, such respondents may be proceeded against by general description. The court may, by amendment, in any case when in its opinion the petitioner can and should do so, require him to name or describe respondents more particularly. The foregoing facts shall be set forth on oath in the petition.

When names of respondents are unknown proceedings may be had by a general description.

Amendment of petition.

Facts to be set forth on oath.

SECTION 3. Such notice shall be given to non-resident respondents, to respondents whose residences are unknown, to unknown or unnamed respondents, and to any other respondents upon whom for any reason service cannot be made under existing provisions of law, as the court shall deem proper. If there are respondents to be affected by a decree of the court, who appear not to have had actual notice of the petition, the court shall appoint some disinterested party to act as agent for them.

Notice to non-resident respondents.

SECTION 4. Upon the service of such notice in accordance with the order of the court, the court shall have jurisdiction of all persons made respondents to the petition in the manner above provided, and shall upon due

Court to make decree upon petition and as to costs.

hearing make such decree upon the petition and as to costs as it shall deem proper.

Effect of the decree.

SECTION 5. The decree of the court, determining the validity, nature or extent of any such possible condition or other incumbrance, shall be effectual to exclude all the respondents from any claim thereunder contrary to such determination, and the decree of the court, excluding respondents from any claim thereunder, shall have the same force and effect as a release of such claims, executed by the respondents in due form of law.

Approved June 7, 1889.

Chap. 443

AN ACT TO ENABLE THE COMMISSIONERS FOR THE DUDLEY TRIBE OF INDIANS TO PROSECUTE IN THE SUPERIOR COURT CERTAIN CLAIMS AGAINST THE COMMONWEALTH.

Be it enacted, etc., as follows:

Commissioners of the Dudley Indians may prosecute in the superior court certain claims against the Commonwealth.

SECTION 1. The provisions of section three of chapter four hundred and sixty-three of the acts of the year eighteen hundred and sixty-nine, authorizing the several commissioners appointed under said chapter to sue for, collect and receive all funds belonging to or held in trust for any tribe of Indians for which such commissioners are appointed, shall be held to authorize the commissioners appointed under said chapter for the benefit of the Dudley tribe of Indians to bring suit, in the manner provided by chapter one hundred and ninety-five of the Public Statutes, against the Commonwealth for the enforcement of any claims and recovering of any funds rightfully belonging to said Indians, and such suit may be brought within three years of the passage of this act. All necessary expenses incurred by the said commissioners in the prosecution of such suit shall be paid from the treasury of the Commonwealth upon approval of the governor and council.

Court to report its findings to the general court next to be holden.

SECTION 2. The provisions of section four of chapter one hundred and ninety-five of the Public Statutes shall not apply to suits brought under this act; and it shall be the duty of the court hearing any suit brought under the provisions of this act to report in detail its findings of fact and the conclusions therefrom, including the amount, if any, found to be due, to the general court next to be holden after the decision of the said court is rendered.

Approved June 7, 1889.

AN ACT PROVIDING FOR A SECOND ASSISTANT CLERK OF COURTS *Chap.444*
FOR THE COUNTY OF ESSEX.

Be it enacted, etc., as follows:

SECTION 1. The justices of the supreme judicial court or a majority of them may appoint a second assistant clerk of courts for the county of Essex, who shall be subject to the provisions of law applicable to assistant clerks in said county, and who shall receive in full for all services performed by him an annual salary of fifteen hundred dollars, to be paid by said county. Second assistant clerk of courts for the county of Essex.

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

Approved June 7, 1889.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A RESERVE POLICE *Chap.445*
FORCE IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. The mayor and aldermen of the city of Lowell may, from time to time 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 at no time exceed ten in number and who shall be subject to such rules and regulations as the mayor and aldermen may from time to time prescribe, and who may be removed by the mayor and aldermen for any reason satisfactory to them. Said mayor and aldermen may assign the members of said reserve police force to duty in said city whenever and for such time as they 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. Reserve police force for the city of Lowell.

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. Appointments upon regular police to be made from the reserve.

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

Approved June 7, 1889.

Chap.446 AN ACT PROVIDING FOR THE TAXATION OF LEASED PROPERTIES IN USE IN THIS COMMONWEALTH.

Be it enacted, etc., as follows:

Personal property leased for profit to be assessed where situated.

All personal property within the Commonwealth leased for profit shall be assessed for taxation in the city or town where such property is situated on the first day of May to the owner or the person having possession of the same.

Approved June 7, 1889.

Chap.447 AN ACT TO PERMIT THE GRANTING OF DIVORCES IN CASES OF THE EXCESSIVE USE OF OPIUM OR OTHER DRUGS.

Be it enacted, etc., as follows:

Divorce for drunkenness, etc.

A divorce from the bond of matrimony may be decreed for gross and confirmed drunkenness caused by the voluntary and excessive use of opium or other drugs.

Approved June 7, 1889.

Chap.448 AN ACT RELATING TO THE RECORDING OF OFFICE COPIES OF INSTRUMENTS AFFECTING THE TITLE TO LANDS LYING IN MORE THAN ONE COUNTY OR REGISTRY DISTRICT.

Be it enacted, etc., as follows:

Office copies of instruments affecting title to lands lying in more than one county or registry district.

When a deed or other writing affecting lands lying in more than one county or registry district has been duly recorded in one county or district in which a part of the land lies, an office copy thereof may be recorded in any other county or district in which a part of the land lies, and in which the original has not been recorded, and the record of such copy shall have the same effect as a record of the original instrument.

Approved June 7, 1889.

Chap.449 AN ACT PROVIDING FOR THE FINAL DISTRIBUTION OF SUMS OF MONEY DEPOSITED IN THE NAME OF A JUDGE OF PROBATE COURT, AS TRUSTEE, OR BY ORDER OF ANY COURT.

Be it enacted, etc., as follows:

Money deposited in savings banks, etc., in name of judge of probate, as trustee, to draw interest.

SECTION 1. All sums of money hereafter deposited in savings banks, institutions for savings or trust companies in the name of a judge of probate court, as trustee, or by order of any court, shall draw interest or dividends at the same rate as other deposits in the same bank, institution or company, while they remain therein without regard to the amount deposited.

SECTION 2. The probate court, court of insolvency or other court, respectively, shall, upon the application of any person interested or of the attorney-general and after such public notice as the court or any judge or justice thereof may deem proper to be given, order and decree that all sums of money heretofore or hereafter deposited in a savings bank, institution for savings or trust company, by authority of either of said courts or any judge or justice thereof, and which shall have remained unclaimed for a period of more than five years from the date of such deposit, with the increase and proceeds thereof, to be paid to the treasurer of the Commonwealth, to be held and used by him according to law, subject for fifteen years only to be paid with interest at the rate of three per cent. per annum from the time it is so paid to said treasurer to the time it is paid by him to the person or persons having, and established, a lawful right thereto.

Probate court, etc., may order money so deposited and remaining unclaimed for more than five years to be paid into the state treasury.

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

Approved June 7, 1889.

AN ACT TO AMEND THE ACTS RELATING TO THE INSPECTION AND CONSTRUCTION OF BUILDINGS AND RELATING TO THE PRESERVATION OF HEALTH IN BUILDINGS IN THE CITY OF BOSTON.

Chap.450

Be it enacted, etc., as follows:

SECTION 1. Section fifteen of chapter three hundred and seventy-four of the acts of the year eighteen hundred and eighty-five is hereby amended so as to read as follows: —

Construction of buildings in Boston. 1885, 374, § 15.

Section 15. The said inspector shall not give a permit for the erection or alteration of any building until he has carefully inspected the plans and specifications therefor and ascertained that the building has sufficient strength, that the means of ingress and egress are sufficient and that the plans thereof conform to all laws relating to the kind of building contemplated. A copy of plans and specifications of every public building shall be deposited in the office of the inspector.

SECTION 2. Section two of chapter three hundred and eighty-two of the acts of the year eighteen hundred and eighty-five is hereby amended so as to read as follows: —

Section 2. Every such building situated on a public or private street, court or passageway in which there is a public sewer, and every building connected with any sewer, shall have sufficient water-closets connected with the sewer, and shall not have a cesspool or privy, except

Preservation of health in buildings in Boston. 1885, 382, § 2.

where in the opinion of the board of health it can be allowed to remain temporarily, and then only as said board shall approve; and if there is no sewer and said board is of the opinion that the public health requires one, and shall so certify to the board of aldermen of said city, said last named board shall forthwith lay and make a common sewer in such street, court or passageway: *provided, however*, that said board of aldermen shall not be required in any one year to make sewers in accordance with this act to cost in the aggregate more than ten thousand dollars. Every water fixture having a waste pipe connected with a sewer or cesspool shall be provided with a separate trap placed as near as practicable to said fixture.

Amendment to
1885, 382, § 3.

SECTION 3. Section three of chapter three hundred and eighty-two of the acts of the year eighteen hundred and eighty-five is hereby amended so as to read as follows: — *Section 3.* Every building hereafter converted into or used for a tenement house or lodging house shall in addition to all other requirements of law conform to the provisions of this act, and every such building shall be carefully inspected at least twice a year under the direction of the board of health, and whenever said board has made an order concerning said building a re-inspection shall be made within ten days after said board has been informed that the order has been complied with.

Amendment to
1885, 382, § 4.

SECTION 4. Section four of chapter three hundred and eighty-two of the acts of the year eighteen hundred and eighty-five is hereby amended by striking out all of said section after the word “hotels” and inserting in place thereof the following words: — “Tenement house” means a building which, or any portion of which, is occupied, or to be occupied, as the residence of more than two families living independently of one another, and doing their cooking upon the premises.

Amendment to
1885, 382, § 14.

SECTION 5. Section fourteen of chapter three hundred and eighty-two of the acts of the year eighteen hundred and eighty-five is hereby amended by inserting at the end of said section the words: — Whenever there shall be more than eight families living in any tenement house in which the owner thereof does not reside, there shall be, when required by the board of health, a janitor, housekeeper or some other responsible person, satisfactory to said board, who shall reside in said house and have the charge thereof.

SECTION 6. Section eighteen of chapter three hundred and eighty-two of the acts of the year eighteen hundred and eighty-five is hereby amended so as to read as follows:— *Section 18.* The board of health may by a vote limit the number of occupants in any tenement or lodging house, or in any part or parts of the same, and shall in such case cause a notice stating such number to be affixed conspicuously in such building and served on the owner, agent or person having the charge thereof. If the number is exceeded said board may order the premises vacated, and they shall not be again occupied until said board shall so permit, upon being satisfied that the vote will be complied with. Said board may make such further regulation as to over crowding, ventilation and occupation of such houses and the cellars thereof and of buildings where persons are employed, not inconsistent with other laws, as they deem proper.

Board of health may limit the number of occupants of any tenement, etc. 1885, c. 52, § 18.

SECTION 7. The board of police for the city of Boston shall, upon requisition by the board of health of said city, detail to the exclusive service and direction of said board of health, for enforcing the laws and ordinances relating to the preservation of health and to tenement and lodging houses, such number, not exceeding five, of police officers satisfactory to the board of health as the board of health may desire, and the services of the police officers so detailed shall be paid for by said board of health; and said officers so detailed shall continue subject to the direction of said board of health until exchanged for others at the request of said last named board. Said board of police are hereby authorized and empowered to appoint patrolmen, in number not exceeding five, to fill any vacancies in the police force in the city which may be caused by the detailing of officers as provided in this act.

Police officers may be detailed for exclusive service of board of health.

Vacancies thus created may be filled.

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

Approved June 7, 1889.

AN ACT IN RELATION TO FIRE INQUESTS.

Chap. 451

Be it enacted, etc., as follows:

SECTION 1. The board of fire engineers in every city, except the city of Boston, and in every town in which a board of fire engineers is established, and the board of selectmen in any town in which no board of fire engineers is established, shall make investigation of the cause,

Cause, origin and circumstances of every fire occurring where property is destroyed to be investigated.

origin and circumstances of every fire occurring in such city or town in which property has been destroyed, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including the Lord's day, of the occurrence of such fire. The board making the investigation shall within two weeks of the occurrence of the fire furnish to the clerk of the city or town, as the case may be, for careful record by him in a book to be provided by the insurance commissioner, a written statement of all the facts relating to the cause and origin of the fire, the kind, value and ownership of the property destroyed and such other information as may be called for by the blanks provided by the commissioner. Such book of record shall be kept by the clerk in his office, and he shall make returns or a transcript therefrom of the record of each year upon blank forms to be provided by the commissioner, and shall forward the same to him within fifteen days from the first day of January.

When fire appears to have been caused by design an inquest to be held.

SECTION 2. Whenever from any such investigation there appears to the board making the same reasonable grounds for believing that the fire was caused by design, such board shall cause application to be made to a police, district or municipal court or to a trial justice of the county in which such city or town is situated for an inquest to be held to make inquiry relative to such fire. The court or trial justice shall thereupon hold such inquest and take the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters herein required to be examined and inquired into, and shall cause such testimony to be reduced to writing, verified and transmitted to the district attorney of the court for his action; and shall also report in writing to the owners of property or other persons interested in the matter under inquiry any facts and circumstances ascertained by such inquest, which shall in the opinion of the court or justice require their attention.

Arrest for arson.

SECTION 3. The court or justice when of the opinion that there is evidence sufficient to charge any person with the crime of arson shall cause such person to be arrested and charged with such offence, and shall likewise furnish to the district attorney all the evidences of guilt, with the names of witnesses, and all the information obtained by him in addition to the testimony in the case.

SECTION 4. The court or justice may issue subpoenas for witnesses returnable before such court or justice; and the persons served with such process shall be allowed the same fees, their attendance may be enforced in the same manner, and they shall be subject to the same penalties, as if served with a subpoena in behalf of the Commonwealth in a criminal prosecution pending before such court or trial justice.

Witnesses may be summoned and attendance enforced.

SECTION 5. The district attorney or some person designated by him may attend any inquest and examine witnesses, and the inquest may in the discretion of the court or justice be made private, and any persons other than those required to be present by the provisions of this act may be excluded from the place where such inquest is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

District attorney, etc., to attend inquest, etc.

SECTION 6. The fees and expenses of the inquest shall be returned to the mayor and aldermen of the city or selectmen of the town in which the property was destroyed, and when audited and certified by them shall be paid by such city or town.

Fees and expenses.

SECTION 7. Any officer neglecting or refusing to comply with any of the requirements of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

Penalty on officer for neglect.

SECTION 8. Chapter two hundred and sixteen of the Public Statutes and chapter one hundred and ninety-nine of the acts of the year eighteen hundred and eighty-eight are hereby repealed.

Repeal.

Approved June 7, 1889.

AN ACT RELATIVE TO THE CARRYING ON OF THE BUSINESS OF SAVINGS AND CO-OPERATIVE BANKS, AND OF BANKING, MORTGAGE LOAN AND INVESTMENT AND TRUST BUSINESS.

Chap. 452

Be it enacted, etc., as follows :

SECTION 1. No person or corporation shall carry on the business of receiving deposits under the name of a savings bank or institution for savings, and no person or corporation shall carry on the business of accumulating the savings of its members and loaning to them such accumulations under the name of a co-operative bank within this Commonwealth, unless incorporated under the laws thereof for such purpose; but this section shall not prevent such a bank or institution, incorporated under the

Business of savings and co-operative banks not to be carried on unless incorporated for such purposes.

laws of another state, from loaning money upon mortgages of real estate located within this Commonwealth.

Not to take name of another corporation or one so nearly identical as to mislead.

SECTION 2. No person and no corporation established under the laws of another state or country shall carry on a banking, mortgage loan and investment or trust business within this Commonwealth in or under a name previously to his or its carrying on the same in lawful use by a corporation established under the laws of this Commonwealth, or so nearly identical with a name so in use as to mislead.

Penalty.

SECTION 3. Whoever violates any provision of the preceding sections shall be punished by a fine not exceeding one thousand dollars; and any provision thereof may on petition be enforced by injunction issued by a justice of the supreme judicial court or of the superior court.

Approved June 7, 1889.

Chap.453 AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION DOLLARS.

Be it enacted, etc., as follows:

State tax of \$2,000,000.

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: —

Barnstable county.

BARNSTABLE COUNTY.

Barnstable, . . .	Thirty-two hundred and twenty dollars, . . .	\$3,220 00
Bourne, . . .	Ten hundred and eighty dollars, . . .	1,080 00
Brewster, . . .	Five hundred and sixty dollars, . . .	560 00
Chatham, . . .	Seven hundred and eighty dollars, . . .	780 00
Dennis, . . .	Fifteen hundred dollars, . . .	1,500 00
Eastham, . . .	Two hundred and sixty dollars, . . .	260 00
Falmouth, . . .	Forty-four hundred and sixty dollars, . . .	4,460 00
Harwich, . . .	Eleven hundred and twenty dollars, . . .	1,120 00
Mashpee, . . .	One hundred and forty dollars, . . .	140 00
Orleans, . . .	Six hundred and twenty dollars, . . .	620 00

BARNSTABLE COUNTY — CONCLUDED.

Barnstable
county.

Provincetown, . . .	Twenty-one hundred and eighty dollars,	\$2,180 00
Sandwich,	Nine hundred and eighty dollars, . .	980 00
Truro,	Three hundred and twenty dollars, . .	320 00
Wellfleet,	Seven hundred dollars,	700 00
Yarmouth,	Fourteen hundred and eighty dollars,	1,480 00
		\$19,400 00

BERKSHIRE COUNTY.

Berkshire
county.

Adams,	Thirty-eight hundred and sixty dollars,	\$3,860 00
Alford,	Two hundred and eighty dollars, . .	280 00
Becket,	Four hundred and forty dollars, . .	440 00
Cheshire,	Seven hundred and eighty dollars, . .	780 00
Clarksburg,	Two hundred and twenty dollars, . .	220 00
Dalton,	Nineteen hundred and eighty dollars,	1,980 00
Egremont,	Four hundred and forty dollars, . .	440 00
Florida,	Two hundred dollars,	200 00
Gt. Barrington, . .	Thirty-two hundred and twenty dollars,	3,220 00
Hancock,	Four hundred dollars,	400 00
Hinsdale,	Seven hundred and sixty dollars, . .	760 00
Lanesborough, . . .	Five hundred and eighty dollars, . .	580 00
Lee,	Twenty-four hundred and sixty dollars,	2,460 00
Lenox,	Twenty-three hundred and sixty dollars,	2,360 00
Monterey,	Two hundred and forty dollars, . .	240 00
Mt. Washington, . .	Eighty dollars,	80 00
New Ashford,	Eighty dollars,	80 00
New Marlboro', . . .	Six hundred and forty dollars, . .	640 00

Berkshire
county.

BERKSHIRE COUNTY — CONCLUDED.

North Adams,	Fifty-nine hundred and forty dol- lars,	\$5,940 00
Otis,	Two hundred and twenty dollars,	220 00
Peru,	One hundred and twenty dollars,	120 00
Pittsfield,	Ten thousand and one hundred dol- lars,	10,100 00
Richmond,	Five hundred dollars,	500 00
Sandisfield,	Three hundred and eighty dollars,	380 00
Savoy,	One hundred and eighty dollars,	180 00
Sheffield,	Nine hundred and sixty dollars,	960 00
Stockbridge,	Twenty-nine hundred and forty dol- lars,	2,940 00
Tyringham,	Two hundred and forty dollars,	240 00
Washington,	Two hundred dollars,	200 00
W. Stockbridge,	Seven hundred dollars,	700 00
Williamstown,	Nineteen hundred and forty dollars,	1,940 00
Windsor,	Two hundred and twenty dollars,	220 00
		\$43,660 00

Bristol county.

BRISTOL COUNTY.

Acushnet,	Six hundred and sixty dollars,	\$660 00
Attleborough,	Thirty-eight hundred and sixty dol- lars,	3,860 00
Berkley,	Four hundred and sixty dollars,	460 00
Dartmouth,	Twenty-one hundred and forty dol- lars,	2,140 00
Dighton,	Eight hundred and twenty dollars,	820 00
Easton,	Forty-two hundred and eighty dol- lars,	4,280 00
Fairhaven,	Sixteen hundred and sixty dollars,	1,660 00
Fall River,	Forty-four thousand seven hundred and twenty dollars,	44,720 00
Freetown,	Nine hundred and twenty dollars,	920 00

BRISTOL COUNTY — CONCLUDED.

Bristol county.

Mansfield, . . .	Fourteen hundred dollars, . . .	\$1,400 00
New Bedford, . .	Thirty-four thousand seven hundred dollars,	34,700 00
N. Attleborough, .	Thirty-six hundred and twenty dol- lars,	3,620 00
Norton,	Eight hundred and twenty dollars, .	820 00
Raynham,	Nine hundred and twenty dollars, .	920 00
Rehoboth,	Seven hundred and forty dollars, .	740 00
Seekonk,	Seven hundred and eighty dollars, .	780 00
Somerset,	Eleven hundred dollars,	1,100 00
Swanzy,	Seven hundred and sixty dollars, .	760 00
Taunton,	Seventeen thousand six hundred dol- lars,	17,600 00
Westport,	Fourteen hundred dollars,	1,400 00
		<u>\$123,360 00</u>

DUKES COUNTY.

Dukes county.

Chilmark,	Two hundred and forty dollars, . .	\$240 00
Cottage City, . .	Twelve hundred and eighty dollars, .	1,280 00
Edgartown, . . .	Seven hundred and sixty dollars, . .	760 00
Gay Head,	Twenty dollars,	20 00
Gosnold,	One hundred and eighty dollars, . .	180 00
Tisbury,	Eight hundred and forty dollars, . .	840 00
		<u>\$3,320 00</u>

ESSEX COUNTY.

Essex county.

Amesbury,	Forty-one hundred and sixty dollars, .	\$4,160 00
Andover,	Fifty-eight hundred and twenty dollars,	5,820 00
Beverly,	Fourteen thousand one hundred and forty dollars,	14,140 00

Essex county.

ESSEX COUNTY — CONTINUED.

Boxford, . . .	Six hundred and forty dollars, . . .	\$640 00
Bradford, . . .	Seventeen hundred and sixty dollars, . . .	1,760 00
Danvers, . . .	Thirty-nine hundred dollars, . . .	3,900 00
Essex, . . .	Nine hundred and forty dollars, . . .	940 00
Georgetown, . . .	Ten hundred and twenty dollars, . . .	1,020 00
Gloucester, . . .	Thirteen thousand one hundred and twenty dollars, . . .	13,120 00
Groveland, . . .	Nine hundred and twenty dollars, . . .	920 00
Hamilton, . . .	Eight hundred and eighty dollars, . . .	880 00
Haverhill, . . .	Sixteen thousand six hundred and twenty dollars, . . .	16,620 00
Ipswich, . . .	Twenty-three hundred and twenty dollars, . . .	2,320 00
Lawrence, . . .	Twenty-seven thousand nine hundred and eighty dollars, . . .	27,980 00
Lynn, . . .	Thirty-two thousand nine hundred and eighty dollars, . . .	32,980 00
Lynnfield, . . .	Five hundred and forty dollars, . . .	540 00
Manchester, . . .	Seventy-one hundred dollars, . . .	7,100 00
Marblehead, . . .	Forty-five hundred and sixty dollars, . . .	4,560 00
Merrimac, . . .	Thirteen hundred and eighty dollars, . . .	1,380 00
Methuen, . . .	Twenty-nine hundred and eighty dollars, . . .	2,980 00
Middleton, . . .	Five hundred and forty dollars, . . .	540 00
Nahant, . . .	Fifty-six hundred and twenty dollars, . . .	5,620 00
Newbury, . . .	Eleven hundred dollars, . . .	1,100 00
Newburyport, . . .	Ninety-one hundred and twenty dollars, . . .	9,120 00
North Andover, . . .	Twenty-nine hundred and eighty dollars, . . .	2,980 00
Peabody, . . .	Seventy-two hundred dollars, . . .	7,200 00
Rockport, . . .	Twenty-one hundred and twenty dollars, . . .	2,120 00
Rowley, . . .	Six hundred dollars, . . .	600 00
Salem, . . .	Twenty-seven thousand two hundred and sixty dollars, . . .	27,260 00
Salisbury, . . .	Five hundred and sixty dollars, . . .	560 00

ESSEX COUNTY — CONCLUDED.

Essex county.

Saugus, . . .	Twenty-two hundred and eighty dollars, . . .	\$2,280 00
Swampscott, . . .	Forty-four hundred and sixty dollars, . . .	4,460 00
Topsfield, . . .	Ten hundred and twenty dollars, . . .	1,020 00
Wenham, . . .	Five hundred and forty dollars, . . .	540 00
West Newbury, . . .	Ten hundred and twenty dollars, . . .	1,020 00
		\$210,180 00

FRANKLIN COUNTY.

Franklin county.

Ashfield, . . .	Four hundred and eighty dollars, . . .	\$480 00
Bernardston, . . .	Four hundred and sixty dollars, . . .	460 00
Buckland, . . .	Five hundred and sixty dollars, . . .	560 00
Charlemont, . . .	Three hundred and sixty dollars, . . .	360 00
Cobrain, . . .	Five hundred and eighty dollars, . . .	580 00
Conway, . . .	Eight hundred dollars, . . .	800 00
Deerfield, . . .	Twelve hundred and eighty dollars, . . .	1,280 00
Erving, . . .	Three hundred and sixty dollars, . . .	360 00
Gill, . . .	Four hundred and forty dollars, . . .	440 00
Greenfield, . . .	Five thousand and twenty dollars, . . .	5,020 00
Hawley, . . .	One hundred and sixty dollars, . . .	160 00
Heath, . . .	One hundred and eighty dollars, . . .	180 00
Leverett, . . .	Three hundred dollars, . . .	300 00
Leyden, . . .	One hundred and eighty dollars, . . .	180 00
Monroe, . . .	Eighty dollars, . . .	80 00
Montague, . . .	Thirty-one hundred and sixty dollars, . . .	3,160 00
New Salem, . . .	Three hundred dollars, . . .	300 00
Northfield, . . .	Eight hundred dollars, . . .	800 00

Franklin
county.

FRANKLIN COUNTY — CONCLUDED.

Orange, . . .	Twenty-two hundred and forty dol- lars,	§2,240 00
Rowe,	Two hundred and twenty dollars, . .	220 00
Shelburne, . .	Nine hundred dollars,	900 00
Shutesbury, . .	One hundred and sixty dollars, . . .	160 00
Sunderland, . .	Four hundred and twenty dollars, . .	420 00
Warwick, . . .	Three hundred dollars,	300 00
Wendell, . . .	Two hundred dollars,	200 00
Whately, . . .	Four hundred and sixty dollars, . .	460 00
		<hr/> §20,400 00

Hampden
county.

HAMPDEN COUNTY.

Agawam, . . .	Twelve hundred and forty dollars, . .	§1,240 00
Blandford, . .	Three hundred and eighty dollars, . .	380 00
Brimfield, . .	Five hundred dollars,	500 00
Chester, . . .	Six hundred and sixty dollars, . . .	660 00
Chicopee, . . .	Six thousand and eighty dollars, . . .	6,080 00
Granville, . . .	Three hundred and eighty dollars, . .	380 00
Hampden, . . .	Four hundred dollars,	400 00
Holland, . . .	One hundred dollars,	100 00
Holyoke, . . .	Eighteen thousand nine hundred and eighty dollars,	18,980 00
Longmeadow, . .	Twelve hundred and eighty dollars, . .	1,280 00
Ludlow,	Eight hundred dollars,	800 00
Monson,	Seventeen hundred and forty dollars, . .	1,740 00
Montgomery, . .	One hundred and forty dollars, . . .	140 00
Palmer,	Twenty-six hundred and sixty dol- lars,	2,660 00
Russell,	Four hundred and twenty dollars, . .	420 00
Southwick, . .	Five hundred and sixty dollars, . . .	560 00

HAMPDEN COUNTY — CONCLUDED.

Hampden
county.

Springfield, . . .	Forty-one thousand two hundred and twenty dollars, . . .	\$11,220 00
Tolland, . . .	One hundred and sixty dollars, . . .	160 00
Wales, . . .	Three hundred dollars, . . .	300 00
West Springfield, . . .	Thirty-four hundred and sixty dollars, . . .	3,460 00
Westfield, . . .	Sixty-eight hundred and twenty dollars, . . .	6,820 00
Wilbraham, . . .	Six hundred and sixty dollars, . . .	660 00
		\$88,940 00

HAMPSHIRE COUNTY.

Hampshire
county.

Amherst, . . .	Three thousand dollars, . . .	\$3,000 00
Belchertown, . . .	Eight hundred and sixty dollars, . . .	860 00
Chesterfield, . . .	Three hundred dollars, . . .	300 00
Cummington, . . .	Three hundred and twenty dollars, . . .	320 00
Easthampton, . . .	Twenty-four hundred and forty dollars, . . .	2,440 00
Enfield, . . .	Eight hundred dollars, . . .	800 00
Goshen, . . .	One hundred and forty dollars, . . .	140 00
Granby, . . .	Four hundred and eighty dollars, . . .	480 00
Greenwich, . . .	Three hundred and forty dollars, . . .	340 00
Hadley, . . .	Ten hundred and forty dollars, . . .	1,040 00
Hatfield, . . .	Nine hundred and sixty dollars, . . .	960 00
Huntington, . . .	Five hundred dollars, . . .	500 00
Middlefield, . . .	Two hundred and eighty dollars, . . .	280 00
Northampton, . . .	Ninety-two hundred and sixty dollars, . . .	9,260 00
Pelham, . . .	One hundred and sixty dollars, . . .	160 00
Plainfield, . . .	One hundred and sixty dollars, . . .	160 00
Preseott, . . .	One hundred and eighty dollars, . . .	180 00

Hampshire
county.

HAMPSHIRE COUNTY — CONCLUDED.

South Hadley, . .	Nineteen hundred and forty dollars,	\$1,940 00
Southampton, . .	Five hundred dollars,	500 00
Ware,	Forty-three hundred and eighty dol- lars,	4,380 00
Westhampton, . .	Two hundred and sixty dollars, . .	260 00
Williamsburg, . .	Nine hundred and forty dollars, . .	940 00
Worthington, . .	Three hundred dollars,	300 00
		\$29,540 00

Middlesex
county.

MIDDLESEX COUNTY.

Acton,	Thirteen hundred and forty dollars,	\$1,340 00
Arlington, . . .	Fifty-four hundred and forty dol- lars,	5,440 00
Ashby,	Four hundred and eighty dollars, . .	480 00
Ashland,	Thirteen hundred and twenty dol- lars,	1,320 00
Ayer,	Twelve hundred and sixty dollars, . .	1,260 00
Bedford,	Eight hundred and sixty dollars, . .	860 00
Belmont,	Thirty-two hundred and twenty dol- lars,	3,220 00
Billerica,	Eighteen hundred and forty dollars,	1,840 00
Boxborough, . .	Two hundred and forty dollars, . .	240 00
Burlington, . . .	Four hundred and eighty dollars, . .	480 00
Cambridge, . . .	Sixty-one thousand nine hundred and twenty dollars,	61,920 00
Carlisle,	Three hundred and eighty dollars, . .	380 00
Chelmsford, . . .	Sixteen hundred and eighty dollars,	1,680 00
Concord,	Thirty-six hundred and eighty dol- lars,	3,680 00
Dracut,	Twelve hundred and forty dollars, . .	1,240 00
Dunstable,	Three hundred dollars,	300 00
Everett,	Sixty-three hundred dollars,	6,300 00

MIDDLESEX COUNTY — CONTINUED.

Middlesex
county.

Framingham, . . .	Seventy-four hundred dollars, . . .	\$7,400 00
Groton, . . .	Twenty-eight hundred and forty dollars, . . .	2,840 00
Holliston, . . .	Fifteen hundred and sixty dollars, . . .	1,560 00
Hopkinton, . . .	Twenty-two hundred dollars, . . .	2,200 00
Hudson, . . .	Twenty-two hundred and forty dollars, . . .	2,240 00
Lexington, . . .	Thirty-two hundred and sixty dollars, . . .	3,260 00
Lincoln, . . .	Sixteen hundred dollars, . . .	1,600 00
Littleton, . . .	Eight hundred dollars, . . .	800 00
Lowell, . . .	Fifty-seven thousand and forty dollars, . . .	57,040 00
Malden, . . .	Sixteen thousand one hundred and forty dollars, . . .	16,140 00
Marlborough, . . .	Fifty-six hundred dollars, . . .	5,600 00
Maynard, . . .	Nineteen hundred and eighty dollars, . . .	1,980 00
Medford, . . .	Ten thousand four hundred and eighty dollars, . . .	10,480 00
Melrose, . . .	Five thousand eight hundred and eighty dollars, . . .	5,880 00
Natick, . . .	Five thousand two hundred and sixty dollars, . . .	5,260 00
Newton, . . .	Thirty-four thousand and sixty dollars, . . .	34,060 00
North Reading, . . .	Four hundred and eighty dollars, . . .	480 00
Pepperell, . . .	Seventeen hundred and sixty dollars, . . .	1,760 00
Reading, . . .	Twenty-five hundred and twenty dollars, . . .	2,520 00
Sherborn, . . .	Eight hundred and sixty dollars, . . .	860 00
Shirley, . . .	Six hundred and forty dollars, . . .	640 00
Somerville, . . .	Twenty-seven thousand five hundred and sixty dollars, . . .	27,560 00
Stoneham, . . .	Thirty-two hundred and sixty dollars, . . .	3,260 00
Stow, . . .	Eight hundred and eighty dollars, . . .	880 00
Sudbury, . . .	Ten hundred and eighty dollars, . . .	1,080 00
Tewksbury, . . .	Thirteen hundred and sixty dollars, . . .	1,360 00
Townsend, . . .	Ten hundred and forty dollars, . . .	1,040 00

Middlesex
county.

MIDDLESEX COUNTY — CONCLUDED.

Tyngsborough, .	Three hundred and eighty dollars, .	\$380 00
Wakefield, .	Forty-three hundred and sixty dol- lars,	4,360 00
Waltham, .	Thirteen thousand and forty dollars,	13,040 00
Watertown, .	Sixty-nine hundred and forty dol- lars,	6,940 00
Wayland, .	Fifteen hundred dollars,	1,500 00
Westford, .	Eleven hundred and sixty dollars, .	1,160 00
Weston, .	Twenty-four hundred and sixty dol- lars,	2,460 00
Wilmington, .	Six hundred and forty dollars, . .	640 00
Winchester, .	Forty-five hundred dollars,	4,500 00
Woburn, .	Eighty-six hundred and twenty dol- lars,	8,620 00
		<hr/> \$335,360 00

Nantucket
county.

NANTUCKET COUNTY.

Nantucket, .	Three thousand dollars,	\$3,000 00
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Norfolk county.

NORFOLK COUNTY.

Avon,	Five hundred and forty dollars, . .	\$540 00
Bellingham, .	Six hundred dollars,	600 00
Braintree, . .	Thirty-four hundred and sixty dol- lars,	3,460 00
Brookline, . .	Forty-two thousand eight hundred and sixty dollars,	42,860 00
Canton,	Thirty-seven hundred and eighty dollars,	3,780 00
Cohasset, . . .	Forty-eight hundred dollars,	4,800 00
Dedham,	Fifty-four hundred and twenty dol- lars,	5,420 00
Dover,	Six hundred and eighty dollars, . .	680 00
Foxborough, . .	Fourteen hundred and twenty dol- lars,	1,120 00

NORFOLK COUNTY — CONCLUDED.

Norfolk county.

Franklin, . . .	Twenty-three hundred and twenty dollars, . . .	\$2,320 00
Holbrook, . . .	Fourteen hundred and forty dollars, . . .	1,440 00
Hyde Park, . . .	Sixty-seven hundred and sixty dollars, . . .	6,760 00
Medfield, . . .	Eleven hundred and sixty dollars, . . .	1,160 00
Medway, . . .	Fourteen hundred dollars, . . .	1,400 00
Millis, . . .	Four hundred and eighty dollars, . . .	480 00
Milton, . . .	Thirteen thousand nine hundred and eighty dollars, . . .	13,980 00
Needham, . . .	Two thousand and twenty dollars, . . .	2,020 00
Norfolk, . . .	Four hundred and eighty dollars, . . .	480 00
Norwood, . . .	Twenty-three hundred dollars, . . .	2,300 00
Quincy, . . .	Ninety-seven hundred and eighty dollars, . . .	9,780 00
Randolph, . . .	Twenty-three hundred and eighty dollars, . . .	2,380 00
Sharon, . . .	Twelve hundred dollars, . . .	1,200 00
Stoughton, . . .	Twenty-one hundred and sixty dollars, . . .	2,160 00
Walpole, . . .	Seventeen hundred and eighty dollars, . . .	1,780 00
Wellesley, . . .	Fifty-four hundred and sixty dollars, . . .	5,460 00
Weymouth, . . .	Sixty-two hundred and eighty dollars, . . .	6,280 00
Wrentham, . . .	Thirteen hundred and eighty dollars, . . .	1,380 00
		\$126,320 00

PLYMOUTH COUNTY.

Plymouth county.

Abington, . . .	Twenty-two hundred dollars, . . .	\$2,200 00
Bridgewater, . . .	Twenty-four hundred and twenty dollars, . . .	2,420 00
Brockton, . . .	Fourteen thousand eight hundred and sixty dollars, . . .	14,860 00
Carver, . . .	Six hundred and forty dollars, . . .	640 00
Duxbury, . . .	Thirteen hundred and forty dollars, . . .	1,340 00

Plymouth
county.

PLYMOUTH COUNTY — CONCLUDED.

E. Bridgewater,	Sixteen hundred dollars,	\$1,600 00
Halifax,	Two hundred and forty dollars,	240 00
Hanover,	Twelve hundred dollars,	1,200 00
Hanson,	Six hundred and twenty dollars,	620 00
Hingham,	Thirty-eight hundred and eighty dollars,	3,880 00
Hull,	Nineteen hundred and sixty dollars,	1,960 00
Kingston,	Nineteen hundred and forty dollars,	1,940 00
Lakeville,	Five hundred dollars,	500 00
Marion,	Nine hundred and twenty dollars,	920 00
Marshfield,	Eleven hundred and sixty dollars,	1,160 00
Mattapoisett,	Fifteen hundred dollars,	1,500 00
Middleborough,	Thirty-two hundred and twenty dollars,	3,220 00
Norwell,	Ten hundred and eighty dollars,	1,080 00
Pembroke,	Six hundred and sixty dollars,	660 00
Plymouth,	Fifty-six hundred and sixty dollars,	5,660 00
Plympton,	Three hundred dollars,	300 00
Rochester,	Four hundred and eighty dollars,	480 00
Rockland,	Twenty-four hundred and eighty dollars,	2,480 00
Scituate,	Eighteen hundred and forty dollars,	1,840 00
Wareham,	Seventeen hundred and forty dol- lars,	1,740 00
W. Bridgewater,	One thousand dollars,	1,000 00
Whitman,	Twenty-eight hundred and forty dollars,	2,840 00
		\$58,280 00

SUFFOLK COUNTY.

Suffolk county.

Boston, . . .	Seven hundred and thirty-eight thousand and twenty dollars, . . .	\$738,020 00
Chelsea, . . .	Nineteen thousand three hundred and sixty dollars, . . .	19,360 00
Revere, . . .	Forty-three hundred and twenty dollars, . . .	4,320 00
Winthrop, . . .	Twenty-seven hundred and eighty dollars, . . .	2,780 00
		\$764,480 00

WORCESTER COUNTY.

Worcester county.

Ashburnham, . . .	One thousand dollars, . . .	\$1,000 00
Athol, . . .	Twenty-seven hundred and eighty dollars, . . .	2,780 00
Auburn, . . .	Five hundred dollars, . . .	500 00
Barre, . . .	Fourteen hundred dollars, . . .	1,400 00
Berlin, . . .	Four hundred and eighty dollars, . . .	480 00
Blackstone, . . .	Twenty-four hundred and sixty dollars, . . .	2,460 00
Bolton, . . .	Four hundred and eighty dollars, . . .	480 00
Boylston, . . .	Five hundred dollars, . . .	500 00
Brookfield, . . .	Thirteen hundred and sixty dollars, . . .	1,360 00
Charlton, . . .	Nine hundred and sixty dollars, . . .	960 00
Clinton, . . .	Fifty-five hundred dollars, . . .	5,500 00
Dana, . . .	Two hundred and eighty dollars, . . .	280 00
Douglas, . . .	Ten hundred and twenty dollars, . . .	1,020 00
Dudley, . . .	One thousand dollars, . . .	1,000 00
Fitchburg, . . .	Fourteen thousand eight hundred and forty dollars, . . .	14,840 00
Gardner, . . .	Four thousand dollars, . . .	4,000 00
Grafton, . . .	Twenty-three hundred and sixty dollars, . . .	2,360 00
Hardwick, . . .	Fourteen hundred and twenty dollars, . . .	1,420 00
Harvard, . . .	Ten hundred and forty dollars, . . .	1,040 00

Worcester
county.

WORCESTER COUNTY — CONTINUED.

Holden, . . .	Eleven hundred dollars,	\$1,100 00
Hopedale, . . .	Thirteen hundred and forty dollars,	1,340 00
Hubbardston, . . .	Seven hundred dollars,	700 00
Lancaster, . . .	Twenty-nine hundred and sixty dollars,	2,960 00
Leicester, . . .	Twenty-one hundred dollars, . . .	2,100 00
Leominster, . . .	Forty-two hundred dollars, . . .	4,200 00
Lunenburg, . . .	Six hundred and sixty dollars, . .	660 00
Mendon, . . .	Five hundred and eighty dollars, .	580 00
Milford, . . .	Five thousand and twenty dollars, .	5,020 00
Millbury, . . .	Nineteen hundred and sixty dollars,	1,960 00
New Braintree, . .	Four hundred and twenty dollars, .	420 00
North Brookfield,	Two thousand and twenty dollars, .	2,020 00
Northborough, . .	Thirteen hundred dollars,	1,300 00
Northbridge, . . .	Three thousand and forty dollars, .	3,040 00
Oakham, . . .	Three hundred and forty dollars, .	340 00
Oxford, . . .	Fourteen hundred and twenty dol- lars,	1,420 00
Paxton, . . .	Two hundred and sixty dollars, . .	260 00
Petersham, . . .	Six hundred dollars,	600 00
Phillipston, . . .	Two hundred and eighty dollars, . .	280 00
Princeton, . . .	Eight hundred dollars,	800 00
Royalston, . . .	Seven hundred and twenty dollars,	720 00
Rutland, . . .	Four hundred and eighty dollars, .	480 00
Shrewsbury, . . .	Ten hundred and twenty dollars, . .	1,020 00
Southborough, . .	Fifteen hundred and forty dollars, .	1,540 00
Southbridge, . . .	Thirty-three hundred and forty dol- lars,	3,340 00
Spencer, . . .	Forty-three hundred dollars, . . .	4,300 00
Sterling, . . .	Nine hundred dollars,	900 00

WORCESTER COUNTY — CONCLUDED.

Worcester
county.

Sturbridge, . . .	Nine hundred and sixty dollars, . . .	\$960 00
Sutton, . . .	Thirteen hundred and twenty dollars, . . .	1,320 00
Templeton, . . .	Twelve hundred and forty dollars, . . .	1,240 00
Upton, . . .	Nine hundred dollars, . . .	900 00
Uxbridge, . . .	Twenty-one hundred and twenty dollars, . . .	2,120 00
Warren, . . .	Twenty-five hundred and twenty dollars, . . .	2,520 00
Webster, . . .	Twenty-nine hundred and twenty dollars, . . .	2,920 00
West Boylston, . . .	Twelve hundred and forty dollars, . . .	1,240 00
West Brookfield, . . .	Eight hundred dollars, . . .	800 00
Westborough, . . .	Twenty-six hundred and twenty dollars, . . .	2,620 00
Westminster, . . .	Eight hundred dollars, . . .	800 00
Winchendon, . . .	Two thousand and twenty dollars, . . .	2,020 00
Worcester, . . .	Sixty-seven thousand five hundred and twenty dollars, . . .	67,520 00
		\$173,760 00

RECAPITULATION.

Recapitulation
by counties.

Barnstable County, . . .	Nineteen thousand four hundred dollars, . . .	\$19,400 00
Berkshire County, . . .	Forty-three thousand six hundred and sixty dollars, . . .	43,660 00
Bristol County, . . .	One hundred and twenty-three thousand three hundred and sixty dollars, . . .	123,360 00
Dukes County, . . .	Three thousand three hundred and twenty dollars, . . .	3,320 00
Essex County, . . .	Two hundred and ten thousand one hundred and eighty dollars, . . .	210,180 00
Franklin County, . . .	Twenty thousand four hundred dollars, . . .	20,400 00
Hampden County, . . .	Eighty-eight thousand nine hundred and forty dollars, . . .	88,940 00
Hampshire County, . . .	Twenty-nine thousand five hundred and forty dollars, . . .	29,540 00

Recapitulation
by counties.

RECAPITULATION — CONCLUDED.

Middlesex County,	Three hundred and thirty-five thousand three hundred and sixty dollars,	\$335,360 00
Nantucket County,	Three thousand dollars,	3,000 00
Norfolk County,	One hundred and twenty-six thousand three hundred and twenty dollars,	126,320 00
Plymouth County,	Fifty-eight thousand two hundred and eighty dollars,	58,280 00
Suffolk County,	Seven hundred and sixty-four thousand four hundred and eighty dollars,	764,480 00
Worcester County,	One hundred and seventy-three thousand seven hundred and sixty dollars,	173,760 00
		\$2,000,000 00

Treasurer of the Commonwealth to issue warrants.

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.

To require selectmen or assessors to issue warrants to city or town treasurers.

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-nine 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-nine.

To notify treasurers of delinquent cities and towns.

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 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-nine; and if the same remains unpaid after the first day of January in the year eighteen hundred and ninety 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.

Warrants of distress may issue against city or town.

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

Approved June 7, 1889.

AN ACT RELATIVE TO DAMAGES DONE BY DOGS TO SHEEP, LAMBS,
FOWLS OR OTHER DOMESTIC ANIMALS.

Chap. 454

Be it enacted, etc., as follows:

SECTION 1. Section ninety-eight of chapter one hundred and two of the Public Statutes is hereby amended so as to read as follows: — *Section 98.* Whoever suffers loss by the worrying, maiming or killing of his sheep, lambs, fowls or other domestic animals by dogs, without the enclosure of the owners or keepers of such dogs, may, if the damage is done in a city, inform the officer of police of said city who shall be designated to receive such informations by the authority appointing the police, and, if the damage is done in a town, may inform the chairman of the selectmen of the town wherein the damage was done, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by dogs, and if so appraise the amount thereof if not exceeding twenty dollars; if in the opinion of said officer of police or chairman the amount of said damage exceeds twenty dollars he shall appoint two disinterested persons, who with himself shall appraise under oath the amount thereof. The said appraisers shall also consider and include in such damages the labor and time necessarily expended in the finding and collecting of the sheep, lambs, fowls or other domestic animals so injured or separated, and the value of those lost or otherwise damaged by dogs. The said officer of police or chairman

Loss from dogs worrying sheep or other domestic animals.
P. S. 192, § 98.

shall return a certificate of the damages found, except in the county of Suffolk, to the treasurer of the county where the damage is done within ten days after such appraisal is made. The treasurer shall thereupon submit the same to the county commissioners, who within thirty days shall examine all such bills, and if any doubt exists may summon the appraisers and all parties interested and make such examination as they may think proper, and shall issue an order upon the treasurer of the county in which the damage was done for all or any part thereof as justice and equity may require. The treasurer shall pay all orders drawn upon him for the above purpose in full on or after the first day of July in each year if the amount in his hands standing to the credit of the dog fund is sufficient therefor; otherwise he shall pay such amount pro rata upon such orders in full discharge thereof on demand. The appraisers shall receive from the county, or in the county of Suffolk from the city or town treasurer, out of the moneys received under the provisions of this chapter relating to dogs, one dollar each for every such examination made by them; and the mayor or the chairman of selectmen acting in the case shall receive twenty cents per mile one way for his necessary travel.

City and town authorities may offer reward not exceeding ten dollars for killing dog found to have worried, etc., sheep, etc.

SECTION 2. The mayor and aldermen of a city or the selectmen of a town may offer a reward not exceeding ten dollars for the killing of any dog found to have worried, maimed or killed any sheep, lambs, fowls or other domestic animals, thereby causing damage for which the owner thereof may become entitled to compensation from the dog fund as provided for in section one of this act, or for evidence which shall determine to the satisfaction of the mayor and aldermen of a city or the selectmen of a town who is the owner or keeper of the dog or dogs by which such damage is done. The county commissioners, except in the county of Suffolk, are authorized and directed to pay the said reward from the dog fund upon a certificate signed by the mayor and aldermen of a city or selectmen of a town.

To determine, after a hearing, who is owner of dog and to notify him to kill or confine dog.

SECTION 3. If the selectmen of a town or the mayor and aldermen of a city shall determine, after a hearing of which due notice has been given to parties interested, who is the owner or keeper of any dog or dogs found to have worried, maimed or killed any sheep, lambs, fowls or other domestic animals, thereby causing damages for

which the owner thereof may become entitled to compensation from the dog fund as provided for in section one, they shall serve upon the owner or keeper of said dog a notice directing him within twenty-four hours to kill or confine such dog or dogs.

SECTION 4. A person owning or keeping a dog, who has received such notice and does not within twenty-four hours thereafter kill or forever keep such dog on his premises, or under the immediate restraint and control of some person, shall be fined a sum not exceeding twenty-five dollars; and any person may kill such dog if it is found strolling out of the enclosure or immediate care of its owner or keeper.

Penalty on owner for not confining dog.

SECTION 5. The county commissioners in each county, except in the county of Suffolk, shall appoint some suitable person residing in the county who shall at the request of the chairman of the selectmen of a town or officer of the police designated as provided in section one of this act investigate any case of damages done by a dog of which such chairman or officer shall have been informed as provided in said section one, and if he shall deem the evidence sufficient to sustain an action against the owner or keeper of a dog as provided in section one hundred and six of chapter one hundred and two of the Public Statutes, and shall deem such owner or keeper able to satisfy any judgment which may be recovered in such action, he shall bring such action and prosecute the same, unless such owner or keeper shall before such suit is brought pay him such sum in settlement of such damages as he shall deem reasonable. All awards received by such person or recovered in such actions shall be paid to the county treasurer and placed to the credit of the dog fund. Such reasonable compensation as the county commissioners shall allow such person for his services and necessary expenses and the reasonable expense of prosecuting such suits, as the same may be approved by the county commissioners, shall be paid by the county treasurer out of the dog fund. The person appointed may be removed at any time by the county commissioners. In counties where such person is appointed the treasurer of the county shall not be authorized to bring such actions.

Suitable person to be appointed by county commissioners to investigate any case of damages and to bring action, etc.

Compensation.

SECTION 6. Section one of chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-six is hereby repealed. *Approved June 7, 1889.*

Repeal.

Chap. 455 AN ACT PERMITTING THE ESTABLISHMENT OF A FIRE DISTRICT IN THE TOWN OF STOCKBRIDGE.

Be it enacted, etc., as follows :

Fire district may be established in town of Stockbridge.

SECTION 1. A fire district may, by consent of the inhabitants of the town of Stockbridge, expressed by vote at a legal meeting duly called for the purpose within one year from the passage of this act, be established in said town, to include all the territory within the following limits, viz : — Beginning in the centre of the Housatonic river, where the Markham brook empties into the same; thence northerly to a large elm tree on the easterly bank of said brook, twenty feet northerly of the north bank of said river; thence south, seventy degrees east, one thousand six hundred and seventy and one-half feet to or near the easterly line of Church street, at an elm tree; thence south, forty-seven degrees east, six thousand nine hundred and fifty-eight feet to the saw-mill brook of S. W. Comstock, striking the northeast corner of said Comstock's tenant house near said brook; thence down said brook four hundred and thirty feet more or less, to the middle of said Housatonic river; thence down the thread or middle of said river to the place of beginning.

Inhabitants may establish and organize district with consent of the town.

SECTION 2. In case the said town shall so consent to the establishment of such fire district the inhabitants included within said territory, qualified to vote in town affairs, may forthwith proceed to constitute and organize said district in accordance with the provisions of law relating to fire districts.

Board of commissioners may be chosen.

SECTION 3. The legal voters of the said fire district of the town of Stockbridge shall within one year from the organizing of said district, at a meeting called for the purpose, choose by ballot a board of three commissioners, who shall be a board of commissioners of hydrants, water tanks for fire purposes, sidewalks, common sewers, main drains, lamps and street sprinkling, all of whom shall be legal inhabitants and voters in said district. Said commissioners shall serve until the next annual meeting of said district and until others are chosen and qualified in their stead; and said district shall thereafter at the regular annual meeting of said district choose by ballot three such commissioners, who shall serve during the ensuing year and until others are chosen and qualified in their stead. And said district shall have authority to fill any vacancy

Vacancies.

in said board at any meeting of said fire district regularly called for that purpose. Said commissioners shall be sworn.

SECTION 4. Said district may at meetings called for that purpose raise money for the purpose of carrying out the provisions of this act; and said board shall expend the same for the purposes prescribed by vote of the district, and every member of said board of commissioners shall be accountable to said district for any money received by him; and said district may maintain a suit therefor in the name of the inhabitants of said district. Said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation or for any purpose not specified by the vote of the district appropriating the same. But said district shall during no year raise by tax any amount of money exceeding one-fourth of one per cent. of the taxable property in said district.

District may raise money to carry out provisions of act.

SECTION 5. The clerk of the district shall on or before the first day of May of each year certify to the assessors of the town of Stockbridge all sums voted to be raised by the district during the year last preceding under the provisions of this act, which sums shall be assessed and collected by the officers of the town in the same manner as town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said board. The clerk of said district shall act as clerk of said board and shall enter all its proceedings in the records of said district.

Clerk of district to certify to assessors sums voted to be raised.

SECTION 6. It shall be the duty of said board under the supervision and direction of said district to construct, reconstruct, erect, repair, maintain and have charge of all main drains, common sewers, sidewalks, lamp posts, street lamps and street hydrants in said fire district, and have charge of the sprinkling of the streets therein and of all matters pertaining thereto as herein provided; and to construct such cross-walks as may be ordered by said district; and to keep maps and plans of all such main drains and common sewers.

Board to construct and maintain main drains, etc.

SECTION 7. Said board shall have authority to determine the grade, width and material, including curbstone, of all sidewalks on the public streets and highways of said district, and to construct, reconstruct and repair such

To determine grade, width, etc., of sidewalks.

sidewalks in accordance with such determination. Upon the completion of any sidewalk by said board or the completion of the reconstruction or repair of any sidewalk, or within one year thereafter, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess a portion not exceeding one-half the amount of the same upon all the lands which abut on such sidewalk so made, reconstructed or repaired.

To determine when and how snow, etc., shall be removed from sidewalks.

SECTION 8. Said board shall have power to determine when, in what manner and to what extent snow, ice, grass, herbage, trees and other obstructions shall be removed from the sidewalks in said district, or from any of the same or any portion thereof; and to fix by-laws and penalties regulating the same subject to the approval of said fire district, and also by-laws and penalties prohibiting the deposit of ashes, garbage, filth or other refuse matter on the streets and sidewalks within the limits of said district.

Sidewalks not to be dug up or obstructed without consent of board.

SECTION 9. No sidewalk, graded, constructed, reconstructed or repaired in said district, in conformity to the provisions of this act, shall be dug up or obstructed in any part thereof without the consent of said board; and whoever rides or drives or leads any neat cattle, or uses any vehicle moved by hand other than those used for the carriage of children, invalids or persons disabled, upon or along any sidewalk in said district except to cross the same, or shall dig up or otherwise obstruct the same, without such consent, shall forfeit a sum not less than one nor more than five dollars for each violation of the provisions of this section.

Cross-walks.

SECTION 10. Said fire district at meetings called for that purpose may order said board to construct cross-walks in any of the streets in said district on which they have authority to construct sidewalks. Said board shall construct all such cross-walks at the expense of said district, and shall repair and reconstruct the same when ordered by said district, and at its expense.

Board to make such main drains, etc., as district may order by vote.

SECTION 11. Said board shall lay, make, reconstruct and maintain in said district all such main drains and common sewers as said district at a legal meeting called for that purpose shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary;

and for these purposes may take, in the manner hereafter provided, any land, property or right which in their opinion may be necessary therefor.

May take land for the purposes.

SECTION 12. All the main drains and common sewers in said district shall be the property of said district and shall be under the charge and control of said board, who shall have the power and authority to regulate the use of the same and to prescribe the mode, terms and conditions in which the same shall be entered by private drains. And

Main drains and common sewers to be under charge of board.

no person shall be allowed to enter or discharge into a main drain or common sewer any private drain except by leave of said board and on such terms and conditions as said board shall prescribe; and all such private drains entering any main drain or common sewer shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as though the same were constructed by said board under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in said district, and to the compensation, terms and conditions to be made for such use, whether the same have been heretofore or shall hereafter be constructed.

Not to be entered by private drains except by leave of the board.

SECTION 13. All assessments made by said board, as provided for in this act, shall constitute a lien on the real estate assessed, for two years from the time of assessment, and for one year after the final determination of any suit or proceedings in which the amount or validity of such assessments shall be drawn in question. Every assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the person then authorized by law to collect taxes in said town. Said collector shall forthwith publish the same by posting up true and attested copies thereof in three several public places in said district; and shall within thirty days from said publication thereof demand payment of the same of the owner or occupant of the land assessed if known to him and within his precinct. If any such assessment shall not be paid within three months from the publication of said list he shall levy the same with incidental costs and expenses by sale of the land, such sale to be conducted in like manner as sales of land for non-payment of town taxes; and in making such sales and any sales for taxes assessed for said district, such collector and said district and its officers

Assessments to constitute a lien on real estate for two years.

If not paid within three months collector to levy by sale of the land.

shall have all the powers and privileges conferred by the general laws of the Commonwealth upon collectors of taxes and upon cities and towns and their officers relating to sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district in the same manner as moneys received by him from taxes assessed for said district by the assessors of Stockbridge.

Money received to be paid over to treasurer of district.

Invalid assessments may be re-assessed.

SECTION 14. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment and which has not been paid, or which has been recovered back or which has been enforced by an invalid sale, may be re-assessed by the aforesaid board of commissioners for the time being to the just amount which, and upon the estate upon which, such assessment ought at first to have been assessed; and the assessments then re-assessed shall be payable and shall be collected and enforced in the same manner as other assessments.

Person aggrieved may have trial by jury.

SECTION 15. Any person aggrieved by an assessment made by said board may at any time within three months from the publication of the list of such assessment, as provided in the preceding section, apply by petition to the superior court for the county of Berkshire; and after due notice to the said fire district a trial shall be had at the bar of said court in the same manner in which other civil causes are there tried by the jury; and if either request it the jury shall view the place in question. Before filing said petition the petitioner shall give one month's notice in writing to said board of his intention so to apply, and shall therein particularly specify his objection to the assessment; and to such specification he shall be confined in the hearing by the jury. If the jury shall not reduce the amount of the assessment complained of the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed and be collected in the same manner as the assessment; but if the jury shall reduce the amount of the assessment the petitioner shall recover costs.

When land is taken under section eleven, a description thereof shall be filed in the registry of deeds.

SECTION 16. Whenever land is taken by virtue of the provisions of section eleven, the said board shall within sixty days after any such taking file in the registry of deeds of the middle district of the county of Berkshire a description of any lands so taken sufficiently accurate for identification, and a statement of the purpose for which

it is taken; and the right to use all lands so taken for the purposes mentioned in said statement shall vest in said fire district and its successors. Damages for land so taken shall be paid by said fire district; and any person aggrieved by the taking of his land under this act and failing to agree with said board as to the amount of damages may, upon a petition filed with the county commissioners of the county of Berkshire within one year from the filing of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways; and if either party is not satisfied with the award of damages by the county commissioners, and shall apply for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by the jury, and shall recover costs if the damages are decreased; but if the jury shall award the same damages as were awarded by the county commissioners the party who applied for the jury shall pay costs to the other party.

Either party not satisfied may apply for a jury.

SECTION 17. Penalties under the provisions of this act, and under any by-laws established in pursuance thereof, may be recovered by action of tort brought by direction of said board in the name of and for the use of said district, or on complaint or indictment to the use of the Commonwealth: *provided*, that no such action, complaint or indictment shall be maintained unless brought within thirty days after the right of action accrues or the offence is committed. No inhabitant of the district shall be disqualified by reason of his being such inhabitant to act as judge, magistrate, juror or officer in a suit brought for such penalty.

Penalties may be recovered by action of tort.

SECTION 18. The provisions of all general laws of the Commonwealth applicable to fire districts, and not inconsistent with this act, shall apply to the fire district of the town of Stockbridge organized as herein provided. Nothing herein contained shall be construed to interfere with the authority of the surveyors of highways or any authority of the town or its agents which can be legally exercised over highways or roads. But the town of Stockbridge shall repair any injury done to sidewalks in said district by the officers of said town by reason of any raising, lowering, or other act done for the purpose of repairing a highway or townway; and whenever any cross-walk shall be

General laws applicable to fire districts shall apply.

Injuries to sidewalks from raising, etc., highway to be repaired by the town.

torn up or injured by the officers of the town of Stockbridge in making, repairing, altering, raising or lowering any highway or townway, said town shall relay and repair such cross-walk in like order and condition as the same was in before it was torn up or injured. The authority of the town of Stockbridge to construct sidewalks, main drains and common sewers within the limits of said district shall be suspended while this act is in force; but this act shall in nowise affect the liability of the town for any damages caused within the limits of its highways.

Authority of town to construct sidewalks, etc., suspended.

Recovery of damages.

SECTION 19. When a party upon the trial of an action recovers damages of said town for an injury caused to his person or property by a defect in any sidewalk in said fire district, if the fire district has had reasonable notice to defend the action, the said town may recover of the fire district in addition to the damages all costs of both plaintiff and defendant in the action.

Repeal.

SECTION 20. Chapter one hundred and seventy-two of the acts of the year eighteen hundred and eighty-eight is hereby repealed.

SECTION 21. This act shall take effect upon its passage.

Approved June 7, 1889.

Chap. 456 AN ACT TO PROVIDE FOR THE MAKING AND COLLECTING OF SEWER ASSESSMENTS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Owner of estate bordering on a street may enter a particular drain into main drain, etc., and shall pay a certain assessment.

SECTION 1. The owner of each estate in the city of Boston bordering on a street or on a strip of land through which a main drain or common sewer shall hereafter be constructed in said city, may enter a particular drain into such main drain or common sewer from that part of said estate which is situated within one hundred feet from said street or strip of land; and shall upon and after such entry pay to said city an assessment on such estate equal to the number of square feet of land thereof within one hundred feet of such street or strip of land multiplied by the number representing one two-hundredth part of the average cost per running foot of all the main drains and common sewers of the city of Boston built during the five fiscal years preceding the date of the order to build such main drain or common sewer. No estate shall be assessed more than once for the construction of a drain or sewer except as hereinafter provided, but such estate may be

assessed in the manner aforesaid for the cost of renewal or repair of a drain or sewer.

SECTION 2. The amount of every such assessment shall immediately upon the completion of the main drain or common sewer be made and determined by the superintendent of sewers of said city, and interest shall be added to the amount assessed at the rate of five per cent. per annum from the date of completion of the main drain or common sewer, as certified in writing by said superintendent in a book to be kept for that purpose in his office; and notice of the date of such completion and of the amount of such assessment shall be given by said superintendent to the person assessed forthwith after the amount of the assessment has been determined.

Amount of assessment to be determined immediately upon completion of main drain.

SECTION 3. The owner of an estate not bordering on a street or strip of land through which a main drain or common sewer is constructed, or of an estate bordering on such street or strip of land extending more than one hundred feet in depth therefrom, may after the amount of the assessment on such estate to be paid therefor has, on the petition of such owner, been fixed by the board of aldermen of said city, enter from such first named estate, or from any part of such last named estate, situated more than one hundred feet from the street or strip of land, a particular drain into the main drain or common sewer, and shall upon and after such entry pay to the said city the amount of the assessment fixed as aforesaid; but such amount shall not exceed the amount he would have had to pay under section one of this act if his estate had bordered on such street or strip of land and had been only one hundred feet in depth therefrom.

Entry of particular drain into main drain where estate does not border upon a street, etc.

SECTION 4. Upon the request of an owner of an estate on which an assessment has been made under this act, made to the board of assessors of said city within ten days after any entry aforesaid, said board of assessors shall apportion the same into three equal parts, and shall add one of said parts with interest as aforesaid to the annual tax of said estate for each of the three years next ensuing.

Assessment may be divided into three parts and paid with tax of the three years next ensuing.

SECTION 5. Every assessment made under this act shall constitute a lien upon the estate assessed until it is paid, and may with all incidental costs and expenses be levied and collected in the same manner as taxes on real estate are levied and collected; and a person aggrieved

Assessments to constitute a lien upon estate until paid.

by any such assessment may at any time within ten days after any entry aforesaid apply for and have an abatement of his assessment in the same manner and under like rules of law as a person may apply for and have an abatement of taxes.

SECTION 6. This act shall take effect upon its passage.
Approved June 7, 1889.

Chap.457 AN ACT RELATING TO LICENSES FOR HAWKERS AND PEDLERS.

Be it enacted, etc., as follows :

Licenses for hawkers and pedlers to be issued to soldiers and sailors without pay.

SECTION 1. Section nine of chapter sixty-eight of the Public Statutes is hereby repealed and the following is substituted therefor:—The secretary of the Commonwealth may grant a special state or county license, without the payment of any sum therefor, to any soldier or sailor resident in this Commonwealth who served in the army or navy during the war of the rebellion and who has received an honorable discharge from such service, upon satisfactory evidence of the identity of such soldier or sailor.

SECTION 2. This act shall take effect upon its passage.
Approved June 7, 1889.

Chap.458 AN ACT TO INCREASE THE PENALTY FOR LARCENY IN CERTAIN CASES.

Be it enacted, etc., as follows :

Penalty for larceny increased.

Section twenty of chapter two hundred and three of the Public Statutes is hereby amended by adding at the end thereof the following words:—*provided, however,* that when the property is stolen or taken from the conveyance of a common carrier or a person or corporation carrying on the express business, and the value of the property stolen does not exceed one hundred dollars, the penalty shall be imprisonment in the state prison or jail not exceeding three years, or a fine not exceeding five hundred dollars, or both.

Approved June 7, 1889.

Chap.459 AN ACT TO PROVIDE FOR PRINTING A DAILY TRIAL LIST IN THE SUPERIOR COURT FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows :

Trial list to be printed and delivered to any person applying therefor.

SECTION 1. The clerk of the superior court for civil business for the county of Suffolk shall, as early as twelve o'clock noon of each court day next preceding a trial day,

make a list of the cases for trial in each session on the following trial day, and shall, as early as possible after two o'clock in the afternoon, deliver without charge a printed copy of said list as it was at two o'clock to any person applying therefor.

SECTION 2. No case shall be placed on said list after said twelve o'clock without the consent of all parties thereto; and no case on said list at said two o'clock shall be postponed except by order of the court.

No case to be placed on list after twelve o'clock.

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

Approved June 7, 1889.

AN ACT TO AUTHORIZE THE TOWN OF CHARLEMONT TO MAKE BY-LAWS TO REGULATE THE USE OF WAYS AND BRIDGES.

Chap.460

Be it enacted, etc., as follows:

SECTION 1. The town of Charlemont may from time to time establish reasonable by-laws, subject to the approval of the superior court or any justice thereof as now provided by law, to regulate the use of and prevent injury to the highways, townways, causeways and bridges within its limits which said town is required by law to keep in repair, and may annex penalties not exceeding fifty dollars for each violation of any by-law so established.

May make by-laws regulating the use of roads and bridges with penalties annexed.

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

Approved June 7, 1889.

AN ACT TO PROVIDE FOR AN ADJOURNMENT OF THE SEPTEMBER SITTING OF THE SUPERIOR COURT FOR THE COUNTY OF ESSEX TO LAWRENCE AND HAVERHILL.

Chap.461

Be it enacted, etc., as follows:

SECTION 1. The September sitting of the superior court for the county of Essex for the transaction of civil business shall be held at Newburyport, and by adjournment at Lawrence and Haverhill. All cases on the trial list for said sitting shall be tried at Newburyport unless the parties shall otherwise agree before the same shall be reached for trial, or the court for good cause shown shall otherwise order.

September sitting of superior court to be held at Newburyport.

SECTION 2. When the cases for trial at Newburyport shall have been disposed of the sitting shall be adjourned to Lawrence, and shall there continue until the Saturday preceding the first Monday of October unless the Lawrence list shall have been previously disposed of, when in either case it shall be adjourned to Haverhill.

When cases for trial are disposed of, sitting to be adjourned to Haverhill and Lawrence.

Accommodations for the court at Haverhill.

SECTION 3. Said court at its sitting in Haverhill shall avail itself so far as practicable of the rooms, facilities and accommodations provided by the county of Essex for the police court of Haverhill. Any other rooms or accommodations which may be required for the purposes of said court shall be furnished at the expense of the city of Haverhill.

Approved June 7, 1889.

Chap. 462

AN ACT REQUIRING GUARDIANS AND TRUSTEES RESIDING OR REMOVING OUT OF THE COMMONWEALTH TO APPOINT AN AGENT RESIDENT IN THE COMMONWEALTH.

Be it enacted, etc., as follows :

Guardians and trustees residing out of the Commonwealth to appoint an agent upon whom process may be served.

SECTION 1. Every guardian or trustee, appointed by a probate court or the supreme judicial court, residing out of the Commonwealth shall before entering upon the duties of his trust appoint in writing an agent residing in the Commonwealth, and shall by such writing stipulate and agree that the service of any legal process against him as such guardian or trustee if made on such agent shall be of the same legal effect as if made on himself personally within the Commonwealth. Such writing shall give the proper address of such agent and shall be filed in the office of the register of probate or clerk of the court which appointed him.

The same requirement of guardians, etc., removing from the Commonwealth.

SECTION 2. Every guardian or trustee removing from and residing out of the Commonwealth, having been appointed by a probate court or the supreme judicial court within the Commonwealth, shall in writing appoint a like agent with like stipulations, and shall cause such writing to be filed as hereinbefore provided.

If agent dies or removes, another agent to be appointed.

SECTION 3. If an agent appointed under the provisions of the two preceding sections dies or removes from the Commonwealth before the final settlement of the accounts of his principal another like appointment shall be made and filed as therein provided.

Provisions of P. S. 132, §§ 11-13 to apply.

SECTION 4. The provisions of sections eleven, twelve and thirteen of chapter one hundred and thirty-two of the Public Statutes shall apply to the guardians, trustees and agents mentioned in the three preceding sections of this act.

Approved June 7, 1889.

AN ACT TO AUTHORIZE THE PURCHASE OR TAKING OF ADDITIONAL
LAND FOR THE REFORMATORY PRISON FOR WOMEN. *Chap. 463*

Be it enacted, etc., as follows :

SECTION 1. The commissioners of prisons are hereby authorized in behalf of the Commonwealth to purchase or otherwise take in fee, for the purpose of protecting the interests of the reformatory prison for women, a lot of land now or recently owned by Wellington H. Pratt, said land being generally bounded and described as follows : — Beginning at the point of intersection of the lines of the land of said Pratt, of the land of the William Leland heirs and of the land of said prison, as shown upon a plan made from the survey of C. T. Frost, and running about eight hundred and seventeen feet in a northeasterly direction, upon the line of the land of said prison to land of the Old Colony Railroad Company, thence by line of the Old Colony Railroad Company's land in a northerly direction about three hundred and eighty-two feet to line of land of said prison commonly known as the Knowlton lot; thence by the line of said Knowlton lot about six hundred and fifteen feet in a northwesterly direction to a point upon the line of said Knowlton lot; thence about four hundred and thirty-seven feet in a southwesterly direction to land of Clarissa Foster; thence by boundary line between land of said Pratt and the land of Clarissa Foster and the William Leland heirs to the point of beginning, or however otherwise said lot may be bounded or described; the area of the said land being seven hundred three thousand, three hundred and seventy-seven and two-thirds square feet as shown upon said plan. Said commissioners shall at the time of acquiring said land, as provided in this section, grant or reserve to the Old Colony Railroad Company the right to build and maintain a track over the same for the purpose of transporting freight between the main track of said company's railroad and land lying adjacent to the lot of land hereinbefore described.

Commissioners of prisons may take or purchase additional land for the reformatory prison for women.

May reserve to the Old Colony railroad the right to maintain a track over the same.

SECTION 2. The commissioners of prisons shall within sixty days from the time said land is taken file in the registry of deeds for the county of Middlesex a description of said land as certain as is required in an ordinary conveyance of land, with a statement that the same is taken by authority of this act, and the title to said land shall then vest in the Commonwealth.

To file in the registry of deeds a description of land taken.

May settle damages by agreement or arbitration.

SECTION 3. The commissioners of prisons shall have full power to settle by agreement or arbitration the amount to be paid to any person by reason of the taking of said land; and in case a price shall not be fixed, in the manner aforesaid, said commissioners shall within three months from the date of taking proceed to appraise the value of said property and the value of every interest therein as far as can be ascertained, and shall file a statement of their findings with the treasurer of the Commonwealth. Any person aggrieved by the findings of said commissioners may upon application within one year of the taking aforesaid have a jury in the manner provided by law in cases of the taking of land for highways.

Person aggrieved may have a jury.

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

Approved June 7, 1889.

Chap. 464 AN ACT CONCERNING THE ATTENDANCE OF CHILDREN IN THE SCHOOLS.

Be it enacted, etc., as follows:

Attendance of children in the schools. P. S. 47, § 1.

SECTION 1. Section one of chapter forty-seven of the Public Statutes is hereby amended by striking out in the eighth, ninth and tenth lines the words "if the person so neglecting was not able, by reason of poverty, to send such child to school or", and by striking out in lines twelve, thirteen, fourteen and fifteen the words "or is regularly attending a public or private day school known as a half-time school, also approved by them, or if such child has been otherwise furnished for a like period of time with the means of education", and inserting in place thereof the words:— or if such child has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools,— and in line fifteen after the word "learning" by inserting the words:— required by law to be,— so as to read as follows:— *Section 1.* Every person having under his control a child between the ages of eight and fourteen years shall annually cause such child to attend for at least twenty weeks some public day school in the city or town in which he resides, which time shall be divided so far as the arrangement of school terms will allow into two terms each of ten consecutive weeks; and for every neglect of such duty the person offending shall forfeit to the use of the public schools of such city or town a sum not exceeding twenty dollars; but if such child has

Children between the ages of eight and fourteen to annually attend a public day school for at least twenty weeks.

Penalty.

attended for a like period of time a private day school approved by the school committee of such city or town or if such child has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools, or has already acquired the branches of learning required by law to be taught in the public schools, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable, such penalty shall not be incurred.

May attend a private day school approved by the school committee.

SECTION 2. Section two of chapter forty-seven of the Public Statutes is hereby amended by striking out the word "therein" in the second line of said section, and inserting in place thereof the words: — in all the studies required by law, — so as to read as follows: — *Section 2.* For the purposes of the preceding section school committees shall approve a private school only when the teaching in all the studies required by law is in the English language, and when they are satisfied that such teaching equals in thoroughness and efficiency the teaching in the public schools in the same locality, and that equal progress is made by the pupils therein, in the studies required by law, with that made during the same time in the public schools; but they shall not refuse to approve a private school on account of the religious teaching therein.

When private school may be approved.

Approved June 7, 1889.

AN ACT IN RELATION TO THE EXEMPTION OF THE PROPERTY OF CERTAIN ASSOCIATIONS FROM TAXATION.

Chap. 465

Be it enacted, etc., as follows:

SECTION 1. The third division of section five of chapter eleven of the Public Statutes, as amended by chapter two hundred and thirty-one of the acts of the year eighteen hundred and eighty-six and chapter one hundred and fifty-eight of the acts of the year eighteen hundred and eighty-eight, is hereby further amended so as to read as follows: — Third, The personal property of literary, benevolent, charitable and scientific institutions and temperance societies incorporated within this Commonwealth, and the real estate belonging to such institutions occupied by them or their officers for the purposes for which they were incorporated; but such real estate when purchased by such a corporation with a view to removal thereto, shall not, prior to such removal, be exempt for a longer period than two years; but none of the real or personal

Exemption of property of certain associations from taxation. P. S. 11, § 5. 1886, 231. 1888, 158.

Exemption
from taxation.

estate of such corporations organized under general laws shall be exempt when any portion of the income or profits of the business of such corporations is divided among their members or stockholders or used or appropriated for other than literary, educational, benevolent, charitable, scientific or religious purposes. The personal property and real estate belonging to grand army and veteran associations incorporated within this Commonwealth for the purpose of owning property for the use and occupation by posts of the grand army of the republic shall, to the extent of twenty thousand dollars, if the same shall be in actual use and occupation by such associations, be deemed to be the property of charitable institutions, and exempt from taxation, provided the net income from said property is used for charitable purposes in aid of needy soldiers of the war of the rebellion, and their dependents.

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

Approved June 7, 1889.

Chap. 466 AN ACT RELATING TO THE ACCOUNTS AND SETTLEMENTS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

Be it enacted, etc., as follows:

Amendment to
P. S. 144, § 13.

SECTION 1. Section thirteen of chapter one hundred and forty-four of the Public Statutes is hereby amended by striking out the word "a" in the second line of said section and inserting in place thereof the words:—an executor, administrator,—so as to read as follows:—*Section 13.* Where, upon the filing of or hearing on an account of an executor, administrator, trustee or guardian in a probate court, it appears to the court that the interest of a person unborn, unascertained, or legally incompetent to act in his own behalf, is not represented otherwise than by the accountant, the court may, and, upon the request of any person interested, shall appoint some competent and disinterested person to act as guardian ad litem or next friend for such person, and to represent his interest in the case. The person so appointed shall make oath to perform his duty faithfully and impartially, and shall be entitled to such reasonable compensation for his services as the court may allow.

Amendment to
P. S. 144, § 14.

SECTION 2. Section fourteen of chapter one hundred and forty-four of the Public Statutes is hereby amended by striking out the word "a" in the second line of said

section and inserting in place thereof the words:— an executor, administrator,—so as to read as follows:—
Section 14. The decree of the court having jurisdiction, allowing an account of an executor, administrator, trustee or guardian, shall, except in cases of fraudulent concealment or fraudulent misrepresentation on the part of the accountant, be final and conclusive against all persons interested in such account and legally competent at the date of such decree, and against all other persons who are or may become interested therein, although unborn, unascertained, or legally incompetent to act in their own behalf, if their guardian ad litem, or next friend has, after having been duly qualified, assented to such account or been heard thereon; but such decree may be appealed from in the manner and within the time provided by chapter one hundred and fifty-six.

Approved June 7, 1889.

AN ACT IN RELATION TO THE DIVISION OF POLL TAX BILLS.

Chap. 467

Be it enacted, etc., as follows :

SECTION 1. Section sixty-one of chapter eleven of the Public Statutes is hereby amended by inserting after the word “collectors” in the first line thereof the following words:— shall contain a certificate signed by the assessors, which shall state what portion of the amount assessed upon each poll is assessed as state tax and county tax respectively, and,— so that the first part of said section shall read as follows:—The tax list committed to the collectors shall contain a certificate signed by the assessors, which shall state what portion of the amount assessed upon each poll is assessed as state tax and county tax respectively, and shall be, in substance, as follows:—

Division of poll tax bills.
Amendment to P. S. 11, § 61.

SECTION 2. Section ninety-three of said chapter eleven is hereby amended by adding at the end thereof the following words:—*provided*, that the tax bills of male persons who are assessed for poll taxes only shall state the apportionment of such taxes between state and county assessments, and such persons shall not be entitled to have the certificate provided for by this section, but the collector shall receipt on said bills for such taxes, separately, or together as the payment may be, and shall thereupon deliver such bills.

Amendment to P. S. 11, § 93.

SECTION 3. Section one of chapter two hundred and twenty-five of the acts of the year one thousand eight

Amendment to 1880, 225, § 1.

hundred and eighty is hereby amended by adding at the end thereof the following words : — except as provided by an act entitled “ An Act in relation to the division of poll tax bills,” of the acts of the year eighteen hundred and eighty-nine.

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

Approved June 7, 1889.

Chap.468

AN ACT IN RELATION TO PETITIONS FOR PARTITION.

Be it enacted, etc., as follows :

Petitions for partition.

SECTION 1. No petition for partition shall be defeated by reason of the payment by any party thereto of any mortgage, lien, tax or other incumbrance on the premises when the other parties thereto are entitled to redeem from such payment. But in such case the interlocutory judgment for partition shall contain such terms and conditions in relation to redemption from a contribution on account of such payment as may be in accordance with the rules of equity.

Interlocutory judgment.

Final judgment not to be entered until terms and conditions are complied with.

SECTION 2. Final judgment for partition shall not be entered in any petition for partition until it is shown to the satisfaction of the court in which the petition is pending that the terms and conditions of the interlocutory judgment have been complied with.

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

Approved June 7, 1889.

Chap.469

AN ACT RELATING TO COSTS IN CASES OF JUVENILE OFFENDERS.

Be it enacted, etc., as follows :

Costs in cases of juvenile offenders.

In cases against juvenile offenders no costs shall be taxed for the services as witnesses or otherwise of any officer of a city or town having a salary or fixed compensation, or for the use of a team of a city or town or for any other service or charge whatever that may be paid to any city or town : *provided*, that when such officer attends as a witness at a place other than his place of residence the court or trial justice may allow his increased necessary expenses not exceeding the witness fee before such court or trial justice, and such trial justice or court may allow the reasonable necessary expense of serving a mittimus.

Approved June 7, 1889.

AN ACT FOR THE RELIEF OF SURETIES ON BONDS GIVEN TO DIS-
SOLVE ATTACHMENTS IN CERTAIN CASES. *Chap.470*

Be it enacted, etc., as follows :

SECTION 1. When the goods or estate of any person or corporation have been attached on mesne process in a civil action and such attachment has been dissolved by the giving of a bond, in pursuance of sections one hundred and twenty-two, one hundred twenty-three, one hundred twenty-four and one hundred and twenty-five, inclusive, of chapter one hundred and sixty-one of the Public Statutes and acts in addition thereto and amendments thereof, and, within four months after such attachment is made, proceedings in insolvency are instituted by or against such person or corporation, the action in which said attachment was made shall be continued upon the suggestion of any party interested to await the result of such insolvency proceedings, and if such insolvent debtor be discharged under said insolvency proceedings such discharge shall operate as a release of the sureties on said bond to dissolve such attachment from all liability thereon: *provided, however,* that the claim on which the suit wherein said attachment was made is one which would have been discharged if proved in such insolvency proceedings.

Relief of sureties on bonds given to dissolve attachments on mesne process in civil cases.

Proviso.

SECTION 2. Nothing herein contained shall effect the liability of sureties on any bond to dissolve attachment given prior to the passage of this act.

Not to effect liability of sureties on bond heretofore given.

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

Approved June 7, 1889.

AN ACT TO PROVIDE FOR A CONTINUATION OF THE PUBLICATION
OF THE DECISIONS OF THE SUPREME JUDICIAL COURT. *Chap.471*

Be it enacted, etc., as follows :

SECTION 1. The secretary of the Commonwealth is hereby authorized to enter into a contract in writing in behalf of the Commonwealth with the firm of Little, Brown and Company of Boston for a continuation of the publication of the decisions of the supreme judicial court, upon the following terms:—Said Little, Brown and Company shall agree to print and publish the reports of the decisions of the supreme judicial court promptly, and within the time now required by law, from the manuscript to be supplied to them by the reporter of the decisions, uniform in size, style and form with volume

Publication of decisions of the supreme judicial court to be continued under a contract with Little, Brown and Company.

numbered one hundred and twenty-four of such series, and not inferior in quality of work and material; to keep always on hand for sale in Boston a sufficient number of the volumes which they shall so publish, in order to supply the public demand therefor; to furnish to the Commonwealth a number of copies of each volume, equal to the number of cities and towns in the Commonwealth at any time during the term of said contract, and one hundred copies in addition, at the price of one dollar and fifty cents per copy, and to sell the volumes to the public of this Commonwealth at the same price per copy. The contract shall continue for the term of five years from its date, with the option on the part of the Commonwealth to extend the same for a further period of five years, by a written notice given at any time before the expiration of said first period by the governor and council, who are hereby authorized in their discretion so to extend the same. If at any time in the opinion of the governor and council the said Little, Brown and Company shall fail to publish the reports promptly, or otherwise fail satisfactorily to fulfil the terms of the contract, and any such failure shall in their opinion continue for a period of six months after a written notification thereof, given by them to said Little, Brown and Company, then, at any time after the expiration of said period, the governor and council may by any instrument or paper in writing terminate the contract in such manner and to take effect at such date as they shall deem just and proper.

Contract to continue for term of five years, etc.

Performance of contract to be secured by bond.

SECTION 2. The performance of the contract on the part of said Little, Brown and Company shall be secured by a bond in the penal sum of twenty thousand dollars with sureties satisfactory to the treasurer of the Commonwealth, and the form of the contract and bond shall be approved by the attorney-general.

Duties of reporter of decisions.

SECTION 3. During the term of the contract the reporter of decisions shall not be required or allowed to publish the reports thereof, but shall prepare and furnish the same to said Little, Brown and Company seasonably for publication according to the contract and the existing requirements of law, and shall prepare and furnish therefor suitable head notes, tables of cases and indexes, and shall in the usual manner of authors superintend the publication, correction and proof reading of such reports, and

shall perform the other duties of his office according to the present requirements of law. The stereotype plates and copyright of the volumes published under said contract shall be the property of said Little, Brown and Company.

SECTION 4. The reporter shall receive from the treasury of the Commonwealth a salary of four thousand dollars per year in equal monthly instalments and in the same proportion for any part of a year, and an additional sum of one thousand dollars a year for clerk hire and for the incidental expenses of his office, which sums shall be in full compensation for his services and for clerk hire and for the incidental expenses of his office. All sums of money received by the reporter for the copies of opinions, rescripts and other papers shall be paid over by him quarterly to the treasurer of the Commonwealth with a detailed statement of the same.

Salary of the reporter and allowance for clerk hire.

Fees for copies, etc., to be paid into the treasury.

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

Approved June 7, 1889.

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.

Chap. 472

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 chairman of the commissioners of savings banks, a sum not exceeding twenty-one hundred dollars, as authorized by chapter three hundred and twenty-one of the acts of the present year.

Chairman of commissioners of savings banks.

For the salary of the paying teller in the treasurer's department, the sum of two hundred dollars, as authorized by chapter three hundred and forty-nine of the acts of the present year, being in addition to the twelve hundred dollars appropriated by chapter four of the acts of the present year.

Paying teller in the treasury.

For the salary of the chief examiner of the civil service commission, the sum of five hundred dollars, as authorized by chapter three hundred and fifty-one of the acts of the present year, being in addition to the twenty-five hun-

Chief examiner of civil service commission.

- dred dollars appropriated by chapter four of the acts of the present year.
- Secretary of state board of health. For the salary of the secretary of the state board of health, the sum of five hundred dollars, as authorized by chapter three hundred and seventy 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.
- State military and naval historian. For the salary and expenses of the state military and naval historian, a sum not exceeding twenty-five hundred dollars, as authorized by chapter three hundred and seventy-four of the acts of the present year.
- Report of commissioner of public records, etc. For printing extra copies of the report of the commissioner of public records of parishes, towns and counties, the sum of fifty dollars and thirty-one cents, being in addition to the twenty-three hundred dollars appropriated by chapter three hundred and forty-three of the acts of the present year.
- Documents sent to members of the general court. For the payment of postage and expressage on documents sent to members of the general court, a sum not exceeding five hundred dollars, being in addition to the one thousand dollars appropriated by chapter seventy-six of the acts of the present year.
- Expenses of commissioners of savings banks. For travelling and incidental expenses of the commissioners of savings banks, a sum not exceeding five hundred dollars, made necessary by the addition of a third commissioner, said sum to be in addition to the two thousand dollars appropriated by chapter thirty-three of the acts of the present year.
- Department of in-door poor. For salaries and expenses in the department of in-door poor, a sum not exceeding two thousand dollars, being in addition to the thirty-one thousand dollars appropriated by chapter twenty-three of the acts of the present year.
- Transportation of state paupers. For transportation of state paupers, a sum not exceeding one thousand dollars, being in addition to the fifteen thousand dollars appropriated by chapter twenty-three of the acts of the present year.
- Support of sick state paupers. For the support of sick state paupers by cities and towns for the present and previous years, a sum not exceeding four thousand dollars, being in addition to the forty-two thousand five hundred dollars appropriated by chapter twenty-three of the acts of the present year.
- Clerical assistance for insurance commissioner. For additional clerical assistance in the department of the insurance commissioner, a sum not exceeding eight

hundred dollars, being in addition to the nine thousand eight hundred and twenty dollars appropriated by chapter four of the acts of the present year.

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 eight thousand dollars, being in addition to the twenty-two thousand dollars appropriated by chapter five of the acts of the present year.

Paper for the state printing.

For printing and distributing ballots, as provided for in chapter four hundred and thirty-six of the acts of the year eighteen hundred and eighty-eight, a sum not exceeding five thousand dollars, being in addition to the fifteen thousand dollars appropriated by chapter five of the acts of the present year.

Printing and distributing ballots.

For printing the report of contested election cases, as provided for in chapter thirty-six of the resolves of the year eighteen hundred and eighty-six, a sum not exceeding one hundred dollars.

Contested election cases.

For salaries and expenses of the state board of education, a sum not exceeding one thousand dollars, being in addition to the thirteen thousand seven hundred and fifty dollars appropriated by chapter nine of the acts of the present year.

State board of education.

For the refunding of savings banks taxes illegally exacted by the Commonwealth, a sum not exceeding six hundred dollars, made necessary by a decision of the supreme judicial court.

Refunding savings banks taxes.

For expenses in civil cases in the attorney-general's department, a sum not exceeding seven hundred dollars, being in addition to the three hundred dollars appropriated by chapter thirty-three of the acts of the present year.

Expenses in civil cases in attorney-general's department.

For furnishing ballot-boxes to cities and towns, as provided for in section ten of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, a sum not exceeding twenty thousand dollars.

Ballot-boxes.

For the temporary support of state paupers by cities and towns for the present and previous years, a sum not exceeding two thousand dollars, being in addition to the fourteen thousand dollars appropriated by chapter twenty-three of the acts of the present year.

Temporary support of state paupers.

For the salary of the attorney-general, a sum not exceeding one thousand dollars, as authorized by chapter

Attorney-general.

- four hundred and two of the acts of the present year, being in addition to the four thousand dollars appropriated by chapter four of the acts of the present year.
- Assistant attorney-general. For the salary of the assistant attorney-general, a sum not exceeding five hundred dollars, as authorized by chapter four hundred and 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.
- Second assistant attorney-general. For the salary of the second assistant attorney-general, a sum not exceeding five hundred dollars, as authorized by chapter four hundred and two 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.
- Salaries and wages at Massachusetts reformatory. For the payment of salaries and wages at the Massachusetts reformatory at Concord, a sum not exceeding twenty-five hundred dollars, as authorized by chapter four hundred and eight of the acts of the present year, being in addition to the sixty-five thousand five hundred dollars appropriated by chapter twenty-four of the acts of the present year.
- Map of Massachusetts. For printing the topographical map of Massachusetts, a sum not exceeding five hundred dollars, as authorized by chapter seventy-two of the resolves of the present year.
- State industrial school for girls. For providing for rebuilding the barn at the state industrial school for girls, a sum not exceeding twenty-five hundred dollars, as authorized by chapter seventy-four of the resolves of the present year.
- Repairs at Massachusetts reformatory. For new boilers, and for certain other repairs at the Massachusetts reformatory, a sum not exceeding six thousand seven hundred dollars, as authorized by chapter seventy-six of the resolves of the present year.
- State primary school. For certain repairs at the state primary school at Monson, a sum not exceeding four thousand dollars, as authorized by chapter seventy-eight of the resolves of the present year.
- Sarah J. Robinson. For the support of Sarah J. Robinson, a prisoner in jail at Lowell in the county of Middlesex, a sum not exceeding four hundred dollars, as authorized by chapter seventy-nine of the resolves of the present year.
- Report on water supply and sewerage. For printing three thousand extra copies of the report of the state board of health on water supply and sewerage, a sum not exceeding three thousand dollars, as authorized by chapter eighty of the resolves of the present year.

For certain repairs at the Westborough insane hospital, a sum not exceeding fifteen hundred dollars, as authorized by chapter eighty-one of the resolves of the present year.

Westborough
insane hospital,
repairs.

For certain repairs and improvements at the state farm at Bridgewater, a sum not exceeding seventeen thousand five hundred dollars, as authorized by chapter eighty-two of the resolves of the present year.

State farm at
Bridgewater.

For the soldiers' messenger corps, a sum not exceeding eight hundred dollars, as authorized by chapter eighty-four of the resolves of the present year.

Soldiers' mes-
senger corps.

For the payment of current expenses at the Westborough insane hospital for the year eighteen hundred and eighty-nine, a sum not exceeding ten thousand dollars, as authorized by chapter eighty-five of the resolves of the present year.

Westborough
insane hospital,
current ex-
penses.

For additional furniture in the bureau of statistics of labor, a sum not exceeding five hundred dollars, as authorized by chapter eighty-six of the resolves of the present year.

Bureau of statis-
tics of labor.

For additional hospital accommodations for men at the state almshouse at Tewksbury, a sum not exceeding thirty-five thousand dollars, as authorized by chapter eighty-seven of the resolves of the present year.

State alms-
house.

For a water supply at the state camp ground at Framingham, a sum not exceeding sixty-five hundred dollars, as authorized by chapter eighty-eight of the resolves of the present year.

Water supply
at state camp
ground.

For Theodore E. Davis of Washington, D. C., the sum of thirty-one thousand four hundred and eighty-two dollars and eighty-four cents, as authorized by chapter eighty-nine of the resolves of the present year.

Theodore E.
Davis.

For repairs on the boarding-house at the state normal school at Bridgewater, a sum not exceeding thirty-five hundred dollars, as authorized by chapter ninety of the resolves of the present year.

Normal school
at Bridgewater,
boarding-house.

For remodelling and enlarging the state normal school at Bridgewater and for the erection of a new building, a sum not exceeding seventy-five thousand dollars, as authorized by chapter ninety-two of the resolves of the present year.

Normal school
at Bridgewater,
new building.

For incidental and contingent expenses in the department of the auditor of the Commonwealth, a sum not exceeding five hundred dollars, being in addition to the

Auditor of the
Commonwealth.

fifteen hundred dollars appropriated by chapter thirty-three of the acts of the present year.

Doorkeepers,
messengers and
pages.

For compensation of assistant doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding one thousand dollars, being in addition to the twenty-three thousand one hundred dollars appropriated by chapter three of the acts of the present year.

Normal school
at Westfield,
new school
building.

For the purchase of a site for a new school building or for the enlargement of the present site and for the erection of a new school building for the state normal school at Westfield, a sum not exceeding seventy-five thousand dollars, as authorized by chapter ninety-three of the resolves of the present year.

Taunton lunatic
hospital, real
estate.

For the purchase of additional real estate by the trustees of the Taunton lunatic hospital, a sum not exceeding eighteen hundred dollars, as authorized by chapter ninety-four of the resolves of the present year.

Florence W.
Adams.

For Florence W. Adams, the sum of four hundred and fifty dollars, as authorized by chapter ninety-five of the resolves of the present year.

State prison,
salaries and
wages.

For the payment of salaries and wages at the state prison at Boston, a sum not exceeding three thousand dollars, as authorized by chapter four hundred and twelve of the acts of the present year, being in addition to the fifty-seven thousand two hundred dollars appropriated by chapter twenty-four of the acts of the present year.

Hospital for
dipsomaniacs
and inebriates.

For the purchase of real estate and for the erection of suitable buildings for a hospital for dipsomaniacs and inebriates, a sum not exceeding one hundred and fifty thousand dollars, as authorized by chapter four hundred and fourteen of the acts of the present year.

Commissioner
to supervise
foreign corpora-
tions.

For the compensation of the commissioner to supervise foreign corporations engaged in the business of selling or negotiating bonds, mortgages, notes or other choses in action, a sum not exceeding seventeen hundred and fifty dollars, and for incidental and travelling expenses of said commissioner, to include rent of office and furnishing the same, a sum not exceeding fifteen hundred dollars, as authorized by chapter four hundred and twenty-seven of the acts of the present year.

Repairs on
state house.

For extra repairs on the state house, a sum not exceeding fifteen hundred dollars, as authorized by chapter one hundred of the resolves of the present year.

For the establishment of an industrial school, for preparing a dining-room for prisoners in the first grade and for the purchase of furniture for the same at the Massachusetts reformatory, a sum not exceeding seven thousand dollars, as authorized by chapter one hundred and one of the resolves of the present year.

Massachusetts reformatory.

For certain expenses of the state board of lunacy and charity, a sum not exceeding two thousand dollars, as authorized by chapter one hundred and two of the resolves of the present year.

State board of lunacy and charity.

For the payment of counsel by the commissioners of state aid in the revision and consolidation of the state and military aid laws, a sum not exceeding two hundred dollars.

Commissioners of state aid.

For the further collection and preservation of the public records of the parishes, towns and counties of the Commonwealth, a sum not exceeding four thousand dollars, as authorized by chapter one hundred and three of the resolves of the present year.

Preservation of public records.

For the publication of the early acts and resolves of the general court, a sum not exceeding thirteen thousand three hundred dollars, as authorized by chapter one hundred and four of the resolves of the present year.

Publication of early acts and resolves.

For compensation of senators, a sum not exceeding one hundred and fifty dollars, being in addition to the thirty thousand seven hundred and fifty dollars appropriated by chapter three of the acts of the present year.

Senators, compensation.

For printing additional copies of the blue book edition of the acts and resolves of the present year, as authorized by chapter four hundred and forty of the acts of the present year, a sum not exceeding one thousand dollars.

Blue book edition of acts and resolves.

For building a house for the dead at the Westborough insane hospital, a sum not exceeding one thousand dollars, as authorized by chapter one hundred and seven of the resolves of the present year.

Westborough insane hospital, house for the dead.

For expenses for the erection of monuments in connection with the establishment of the boundary lines between Massachusetts and New Hampshire, a sum not exceeding three thousand dollars, as authorized by chapter one hundred and eight of the resolves of the present year.

Monuments at boundary lines between Massachusetts and New Hampshire.

For George Eldridge, the sum of seven hundred and fifty dollars, as authorized by a resolve of the present year.

George Eldridge.

Provincial laws.

For the publication of the provincial laws, a sum not exceeding eleven thousand one hundred and forty-five dollars, as authorized by a resolve of the present year.

Normal school at Framingham.

For the state normal school at Framingham, a sum not exceeding twenty-eight thousand two hundred and fifty-eight dollars, as authorized by a resolve of the present year.

Reporter of decisions of supreme judicial court.

For the salary of the reporter of decisions of the supreme judicial court, a sum not exceeding thirty-seven hundred dollars, being in addition to the three hundred dollars appropriated by chapter seven of the acts of the present year, and for clerk hire and incidental expenses of said reporter, a sum not exceeding one thousand dollars, as authorized by an act of the present year.

Reformatory prison for women, additional land.

For such expenses as may be incurred in the purchase or taking of additional land for the reformatory prison for women, a sum not exceeding five thousand dollars, as authorized by an act of the present year.

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

Approved June 7, 1889.

Chap. 473

AN ACT TO GIVE HONORABLY DISCHARGED SOLDIERS AND SAILORS PREFERENCE IN APPOINTMENTS TO OFFICE UNDER CIVIL SERVICE RULES.

Be it enacted, etc., as follows:

Soldiers and sailors to have preference in appointments to office under civil service rules.

SECTION 1. In all cases of certification for appointment of examined persons under the civil service rules in accordance with the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, persons certified who have served in the army or navy of the United States in time of war and been honorably discharged therefrom shall be appointed in preference to other persons certified who have not a higher standing on the eligible list.

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

Approved June 7, 1889.

RESOLVES.

RESOLVES RELATIVE TO THE CENTENNIAL CELEBRATION OF THE
 INAUGURATION OF GEORGE WASHINGTON AS PRESIDENT OF THE
 UNITED STATES. *Chap. 1*

Resolved, In view of the approaching celebration of the one hundredth anniversary of the inauguration of George Washington as president of the United States, which has been fixed for April twenty-ninth and thirtieth, eighteen hundred and eighty-nine, in the city of New York, that there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding thirty thousand dollars, to be expended under the direction of the governor and council, in order to enable the Commonwealth to accept the invitation of the centennial commission of New York and be represented at such celebration by the following: — his excellency the governor and staff, the executive council, the secretary of the Commonwealth, the treasurer and receiver-general, the auditor of accounts, the attorney-general, the brigade and battalion commanders of the Massachusetts volunteer militia, a body-guard of troops for the commander-in-chief, who is hereby requested to detail suitable organizations of the volunteer militia to represent the Commonwealth thereat, the president of the senate, the speaker of the house, the joint committee on federal relations, a special committee of five members of the senate and fifteen members of the house to be appointed by the presiding officers of the two branches, the clerk of the senate, the clerk of the house, the sergeant-at-arms, and representatives of the press.

Centennial celebration of the inauguration of George Washington as president of the United States.

Resolved, That the governor be requested to appoint a commissioner, who shall serve without pay, to properly represent the state at this celebration.

Commissioner to be appointed.

Approved January 23, 1889.

Chap. 2 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 from time to time be 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 23, 1889.

Chap. 3 RESOLVE AUTHORIZING THE PUBLICATION OF A BULLETIN OF COMMITTEE HEARINGS.

Bulletin of committee hearings.

Resolved. That the committee on rules be authorized to publish twice a week a bulletin of the matters assigned for hearings before committees, and be authorized to employ clerical assistance at an expense not to exceed three hundred dollars for preparing the same, and to have it printed by the state printer. All bills contracted under this resolve shall be paid on approval of the sergeant-at-arms.

Approved February 4, 1889.

Chap. 4 RESOLVE TO PROVIDE FOR FURNISHING CROCKER HALL AT THE STATE NORMAL SCHOOL AT FRAMINGHAM.

Crocker hall at state normal school at Framingham.

Resolved. That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding two thousand two hundred and twenty-five dollars, to be expended under the direction of the state board of education, for the purpose of providing furniture for Crocker hall at the state normal school at Framingham, and providing other supplies necessary for its occupancy.

Approved February 4, 1889.

Chap. 5 RESOLVE IN FAVOR OF CHARLES WRIGHT AND MOSES G. HOWE.

Charles Wright and Moses G. Howe.

Resolved. That there be allowed and paid out of the treasury of the Commonwealth to Charles Wright and Moses G. Howe, both of Boston, the sum of seventy-three dollars, being due them from the estate of the late Joseph Martin, said estate having escheated to the Commonwealth.

Approved February 4, 1889.

RESOLVE TO CONFIRM THE ACTS OF GEORGE L. WENTWORTH AS A *Chap. 6*
JUSTICE OF THE PEACE.

Resolved, That all acts done by George L. Wentworth as a justice of the peace, between the ninth day of November and the twenty-eighth day of December in the year eighteen hundred and eighty-eight, 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. *George L. Wentworth, justice of the peace, acts confirmed.*
Approved February 5, 1889.

RESOLVE IN FAVOR OF WILLIAM S. SHURTLEFF.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to William S. Shurtleff, judge of probate and insolvency for the county of Hampden, the sum of eleven hundred and twenty dollars and forty-seven cents, as full compensation for services and expenses in discharging the duties of judge of probate and insolvency for the county of Worcester between the sixth day of August and the twelfth day of December in the year eighteen hundred and eighty-eight. *Chap. 7*
Allowance to William S. Shurtleff.
Approved February 15, 1889.

RESOLVE IN FAVOR OF MICHAEL O'NEILL.

Resolved, That Michael O'Neill of Boston, who enlisted April ninth in the year eighteen hundred and sixty-one as an ordinary seaman and served on board the Ohio, Minnesota and monitor Lehigh, 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. *Chap. 8*
In favor of Michael O'Neill.
Approved February 19, 1889.

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 9*

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. *Allowance to trustees of the soldiers' home in Massachusetts.*
Approved February 19, 1889.

Chap. 10 RESOLVE TO CONFIRM THE ACTS OF GEORGE C. BOSSON AS A JUSTICE OF THE PEACE.

George C. Bosson, justice of the peace, acts confirmed.

Resolved, That all acts done by George C. Bosson as a justice of the peace, between the eighteenth day of April in the year eighteen hundred and eighty-six and the fourth day of January in the year eighteen hundred and eighty-nine, 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.

Approved February 19, 1889.

Chap. 11

In favor of Charles D. Jenkins.

RESOLVE IN FAVOR OF CHARLES D. JENKINS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of eighty-four dollars and forty-six cents, which shall be paid to Charles D. Jenkins, assistant inspector of gas meters, as full compensation for all services performed by him and all expenses incurred by him in the discharge of the duties of that office, between the eighth day of October and the thirty-first day of October in the year eighteen hundred and eighty-eight.

Approved February 27, 1889.

Chap. 12 RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Annual allowance, for four years, to the Massachusetts agricultural college.

Resolved, That there shall be paid annually, for the term of four years, from the treasury of the Commonwealth to the treasurer of the Massachusetts agricultural college at Amherst the sum of ten thousand dollars, to be expended under the direction of the trustees, for the following purposes, to wit:— five thousand dollars for the establishment of a labor fund to assist needy students of said college; and five thousand dollars to provide the theoretical and practical education required by its charter and the law of the United States relating thereto. The said sum shall be paid in equal quarterly payments.

Approved March 1, 1889.

Chap. 13 RESOLVE PROVIDING FOR PRINTING AN ADDITIONAL NUMBER OF COPIES OF THE REPORT OF THE RAILROAD COMMISSIONERS.

Additional copies of report of railroad commissioners.

Resolved, That there be printed for the use of the board of railroad commissioners five hundred copies of the report of said board containing the returns of railroad corporations and five hundred copies of said report without said returns.

Approved March 1, 1889.

RESOLVE IN FAVOR OF WILLIAM JACKSON.

Chap. 14

Resolved, That William Jackson of Boston, who was a member of company D, first regiment, Massachusetts volunteer cavalry, from September sixteenth in the year eighteen hundred and sixty-one up to May fifteenth in the year eighteen hundred and sixty-five, when he was discharged, be eligible, from and after the first day of February in the year eighteen hundred and eighty-nine, 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 been a resident of the Commonwealth on the twenty-third day of April in the year eighteen hundred and sixty-six.

William Jackson eligible to receive state aid.

Approved March 6, 1889.

RESOLVE IN FAVOR OF AUGUSTA A. PERKINS.

Chap. 15

Resolved, That Augusta A. Perkins, widow of John R. Perkins, Jr., formerly a member of company I, sixteenth regiment, Massachusetts volunteers, shall, from and after the first day of February in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the 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 the Commonwealth of Massachusetts on the twenty-third day of April in the year eighteen hundred and sixty-six.

Augusta A. Perkins eligible to receive state aid.

Approved March 6, 1889.

RESOLVE IN FAVOR OF ELIZABETH SCOTT.

Chap. 16

Resolved, That Elizabeth Scott, widow of James Scott who enlisted in company D, twenty-fourth regiment, Massachusetts volunteers on the twenty-eighth day of November in the year eighteen hundred and sixty-one, under the name of William H. Scott, shall, from and after the first day of February in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the 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

Elizabeth Scott eligible to receive state aid.

have been entitled had she resided in the Commonwealth of Massachusetts on the twenty-third day of April in the year eighteen hundred and sixty-six.

Approved March 6, 1889.

Chap. 17 RESOLVE IN ADDITION TO A RESOLVE FOR THE PROTECTION OF THE TOWN OF HADLEY AGAINST THE FURTHER ENCROACHMENTS OF THE CONNECTICUT RIVER UPON SAID TOWN.

Allowance for protection of town of South Hadley against inroads of the Connecticut river.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the board of harbor and land commissioners, in pursuance of the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five, a sum not exceeding fifteen thousand dollars, for the continuance and completion of the protective works authorized by chapter ninety-five of the resolves of the year eighteen hundred and eighty-eight, for the prevention of the further inroads of the Connecticut river upon the northerly side of the town of Hadley and the destruction of the principal streets in said town.

Approved March 6, 1889.

Chap. 18 RESOLVE PROVIDING FOR THE PRINTING OF TWELVE HUNDRED EXTRA COPIES OF THE REPORT OF THE BOARD OF REGISTRATION IN DENTISTRY.

Report of board of registration in dentistry.

Resolved, That there be printed twelve hundred extra copies of the report of the board of registration in dentistry for the use of said board.

Approved March 6, 1889.

Chap. 19 RESOLVE IN FAVOR OF SARAH E. WHITING.

Sarah E. Whiting eligible to receive state aid.

Resolved, That Sarah E. Whiting, widow of Charles G. Whiting formerly an acting ensign in the United States navy on board the United States ship Montgomery, from and after the first day of February in the year eighteen hundred and eighty-nine, 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 she would have been entitled had her husband served to the credit of this Commonwealth.

Approved March 6, 1889.

RESOLVE IN FAVOR OF EVELINE E. LEACH.

Chap. 20

Resolved, That Eveline E. Leach, widow of George H. Leach formerly a member of the fifth light battery, Massachusetts volunteers, shall, from and after the first day of February in the year eighteen hundred and eighty-nine, 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 she would have been entitled had her late husband died of disease contracted in service.

Eveline E.
Leach eligible
to receive state
aid.

Approved March 6, 1889.

RESOLVE IN FAVOR OF ANNIE HINES.

Chap. 21

Resolved, That Annie Hines, widow of Michael Hines formerly a member of company I, second regiment of Massachusetts volunteer infantry, shall, from and after the first day of February in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the 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 the Commonwealth of Massachusetts on the twenty-third day of April in the year eighteen hundred and sixty-six.

Annie Hines
eligible to
receive state
aid.

Approved March 6, 1889.

RESOLVE IN FAVOR OF ANTOINETTE J. DALTON.

Chap. 22

Resolved, That Antoinette J. Dalton, widow of Edwin W. Dalton formerly a member of company B, twenty-second regiment, Massachusetts volunteers, shall, from and after the first day of February in the year eighteen hundred and eighty-nine, 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 she would have been entitled had her late husband been serving on the quota of this Commonwealth at the time of his death.

Antoinette J.
Dalton eligible
to receive state
aid.

Approved March 6, 1889.

Chap. 23

Joseph Nagle
eligible to
receive state aid.

RESOLVE IN FAVOR OF JOSEPH NAGLE.

Resolved, That Joseph Nagle, father of Patrick Nagle formerly a member of company I, ninth regiment, Massachusetts volunteers, and who was killed in action on the twenty-seventh day of June in the year eighteen hundred and sixty-two, shall, from and after the first day of February in the year eighteen hundred and eighty-nine, 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 been in receipt of state aid during the year eighteen hundred and sixty-six.

Approved March 6, 1889.

Chap. 24

In favor of the
Massachusetts
eye and ear
infirmary.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

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 make report of such expenditure to the state board of lunacy and charity.

Approved March 8, 1889.

Chap. 25

In favor of
George White.

RESOLVE IN FAVOR OF GEORGE WHITE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George White, judge of probate and insolvency for the county of Norfolk, the sum of eight hundred and thirty-seven dollars and thirty-six cents, as full compensation for services and expenses in discharging by designation the duties of judge of probate and insolvency of Essex county between the dates of July eleventh and October seventh, eighteen hundred and eighty-eight.

Approved March 8, 1889.

Chap. 26

Arthur L.
Huntington,
justice of the
peace, acts
confirmed.

RESOLVE CONFIRMING THE ACTS OF ARTHUR L. HUNTINGTON AS A JUSTICE OF THE PEACE.

Resolved, That all acts done by Arthur L. Huntington as a justice of the peace, between the eighth day of November, eighteen hundred and eighty-eight and the twenty-third day of January, eighteen hundred and eighty-

nine, 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.

Approved March 8, 1889.

RESOLVE PROVIDING FOR THE PAYMENT OF CERTAIN BILLS INCURRED BY WILLIAM COGSWELL, MEDICAL EXAMINER FOR THE FOURTH ESSEX DISTRICT.

Chap. 27

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two hundred and fifteen dollars and ten cents, for the payment of certain bills now on file in the auditor's department, incurred by William Cogswell for medical examinations and inquests during the years eighteen hundred and seventy-nine, eighteen hundred and eighty, eighteen hundred and eighty-one and eighteen hundred and eighty-two.

Allowance for payment of bills incurred by William Cogswell for medical examinations, etc.

Approved March 11, 1889.

RESOLVE IN FAVOR OF MARY K. JOHNSON.

Chap. 28

Resolved, That Mary K. Johnson, widow of Samuel Johnson formerly a member of company B, fifth regiment, cavalry, Massachusetts volunteers, shall, from and after the fifteenth day of February in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the 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 the Commonwealth of Massachusetts on the twenty-third day of April in the year eighteen hundred and sixty-six.

Mary K. Johnson eligible to receive state aid.

Approved March 11, 1889.

RESOLVE IN FAVOR OF MARIA GRAGG.

Chap. 29

Resolved, That Maria Gragg, widow of William F. Gragg a citizen of Bedford, Massachusetts, at date of enlistment, who enlisted in the United States navy on the nineteenth day of June in the year eighteen hundred and sixty-two, serving on the United States steamships Housatonic, Canandaigua and Circassian, and who died on the Circassian the twenty-fourth day of December in the year eighteen hundred and sixty-four, shall, from and after the fifteenth day of February in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the

Maria Gragg eligible to receive state aid.

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 she would have been entitled had her husband served to the credit of Massachusetts.

Approved March 11, 1889.

Chap. 30

Catherine E. Burroughs eligible to receive state aid.

RESOLVE IN FAVOR OF CATHERINE B. BURROUGHS.

Resolved, That Catherine B. Burroughs, widow of Daniel W. Burroughs who was an acting master's mate in the United States navy during the war of the rebellion, from December fourth in the year eighteen hundred and sixty-four to December first in the year eighteen hundred and sixty-five, shall, from and after the fifteenth day of February in the year eighteen hundred and eighty-nine, 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, to the same extent that she would have been entitled had her husband served to the credit of this Commonwealth. *Approved March 11, 1889.*

Chap. 31

Mary A. S. Batterman eligible to receive state aid.

RESOLVE IN FAVOR OF MARY A. S. BATTERMAN.

Resolved, That Mary A. S. Batterman, widow of John N. Batterman formerly a member of company F, fortieth regiment of Massachusetts volunteers, shall, from and after the fifteenth day of February in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the 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 the Commonwealth of Massachusetts on the twenty-third day of April in the year eighteen hundred and sixty-six.

Approved March 11, 1889.

Chap. 32

RESOLVE PROVIDING FOR AN AGENT TO CARE FOR THE PROPERTY ACQUIRED BY THE COMMONWEALTH FOR THE BETTER ACCOMMODATION OF THE STATE GOVERNMENT UNDER CHAPTER THREE HUNDRED AND FORTY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-EIGHT.

Agent to be appointed for care of property

Resolved, That the governor with the advice and consent of the council is hereby authorized to appoint an

agent to manage and take care of the property acquired by the Commonwealth under chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight, until such time as the Commonwealth shall desire to occupy the same. Said agent shall be employed under the direction of the governor and council, and they are also hereby authorized to establish the compensation for his services, which shall be paid out of the treasury of the Commonwealth.

Approved March 11, 1889.

acquired by the Commonwealth for enlargement of state house.

Compensation.

RESOLVE RELATIVE TO PRINTING TWO THOUSAND EXTRA COPIES OF THE REPORT OF THE STATE BOARD OF HEALTH ON THE SEWERAGE OF THE MYSTIC AND CHARLES RIVER VALLEYS.

Chap. 33

Resolved. That there be printed two thousand extra copies of the report of the state board of health on the sewerage of the Mystic and Charles river valleys, five hundred to be for the use of said board, and the balance to be distributed under the direction of the joint committee on drainage.

Approved March 13, 1889.

Report on sewerage of Mystic and Charles river valleys.

RESOLVE IN FAVOR OF JOHN FLANAGAN.

Resolved. That John Flanagan, father of Thomas Flanagan formerly a member of the third battery, light artillery, Massachusetts volunteers, who died May tenth in the year eighteen hundred and sixty-five, shall, from and after the fifteenth day of February in the year eighteen hundred and eighty-nine, 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 been in receipt of state aid during the year eighteen hundred and sixty-six.

Approved March 13, 1889.

Chap. 34

John Flanagan eligible to receive state aid.

RESOLVE IN FAVOR OF AUGUSTUS A. LEWIS.

Resolved. That Augustus A. Lewis, formerly an acting master in the United States navy, shall, from and after the fifteenth day of February in the year eighteen hundred and eighty-nine, 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,

Chap. 35

Augustus A. Lewis eligible to receive state aid.

in the same manner and to the same extent that he would have been entitled had he served to the credit of this Commonwealth.

Approved March 13, 1889.

Chap. 36

In favor of
George W.
Warren.

RESOLVE IN FAVOR OF GEORGE W. WARREN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George W. Warren, the sum of three hundred and fifty-seven dollars, being for his compensation as a member of the state senate in the year eighteen hundred and fifty-six, said amount being due him as appears by certificates signed by P. L. Cox, clerk of the senate during said year.

Approved March 13, 1889.

Chap. 37

In favor of
Abby P.
Choate.

RESOLVE IN FAVOR OF ABBY P. CHOATE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Abby P. Choate, widow of the late George F. Choate formerly judge of probate and insolvency for the county of Essex, and who died on the eleventh day of July in the year eighteen hundred and eighty-eight, the sum of sixteen hundred and forty-six dollars and fifty cents, being the balance of salary said Choate would have received had he lived to perform service as judge of probate and insolvency, as aforesaid, to the end of the year eighteen hundred and eighty-eight.

Approved March 13, 1889.

Chap. 38

Allowance for
plan for en-
largement of
the state house.

RESOLVE AUTHORIZING THE GOVERNOR AND COUNCIL TO PROCURE ASSISTANCE IN PERFECTING A PLAN FOR THE BETTER ACCOMMODATION OF THE STATE GOVERNMENT AND ALSO RELIABLE ESTIMATES OF THE COST OF CONSTRUCTION.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand five hundred dollars, to be expended under the direction of the governor and council, to enable them to procure and report to the general court on or before the tenth day of April next a substantially perfected plan, using so far as practicable the plans now owned by the Commonwealth, for the better accommodation of the state government; and also reliable estimates of the cost of construction according to the plan so reported.

Approved March 19, 1889.

RESOLVE IN FAVOR OF SAMUEL HILLMAN.

Chap. 39

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Samuel Hillman of North Adams, an annuity of two hundred dollars, for the term of five years from the first day of January in the year eighteen hundred and eighty-nine, for injuries sustained while employed at the Hoosac tunnel; the cause of said injury being an explosion of glycerine which had been carelessly left by employes of the Commonwealth. Chapter twenty-nine of the resolves of the year eighteen hundred and eighty-six is hereby repealed.

Annuity to Samuel Hillman.

Approved March 19, 1889.

RESOLVE IN FAVOR OF DAVID J. LANTZ.

Chap. 40

Resolved, That David J. Lantz of Rockland, who enlisted on the fourth day of January in the year eighteen hundred and sixty-four in company D, fourth regiment of cavalry, Massachusetts volunteers, and served to the credit of Weymouth until the date of his discharge on the fourteenth day of November in the year eighteen hundred and sixty-five, and who has furnished satisfactory evidence that he was suffering under a disability contracted in the service at the time of his discharge, although the fact of said disability is not shown by his discharge papers, is entitled to the bounty provided for under the provisions of chapter eighty-four of the acts of the year eighteen hundred and sixty-six and the acts to which it is an addition, being at the rate of twenty dollars per month for six months after the date of his discharge, and interest on the same, amounting to, in all, the sum of two hundred and fifty-nine dollars and seventy-one cents; and 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.

David J. Lantz allowed a soldier's bounty.

Approved March 19, 1889.

RESOLVES PROVIDING FOR SUBMITTING TO THE PEOPLE THE ARTICLE OF AMENDMENT FORBIDDING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS TO BE USED AS A BEVERAGE.

Chap. 41

Resolved, That the following article of amendment of the constitution, having been agreed to by the last and present general courts, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption: —

Amendment to the constitution forbidding the sale of intoxicating liquors to be submitted to the people.

ARTICLE OF AMENDMENT.

Article of
amendment.

The manufacture and sale of intoxicating liquors to be used as a beverage are prohibited.

The general court shall enact suitable legislation to enforce the provisions of this article.

Vote upon
article of
amendment.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective cities and towns, in meetings to be legally warned, and held on Monday the twenty-second day of April next, at which meetings all the inhabitants qualified to vote for senators and representatives in the general court may give in their votes, by ballot, for or against said article of amendment; and the same officers, assisted by two tellers, appointed in towns by the selectmen, and in cities by the officers now having the appointment of election officers, one of whom shall be publicly known to be in favor of and the other opposed to the proposed amendment, and who in cities shall take the place of the two inspectors required by law at elections, shall preside in the said meetings as in the meetings for the choice of senators and representatives, and shall in open meeting receive, sort, count and declare the votes of the inhabitants, for and against the same; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out under the hands of the mayor and aldermen of the several cities, and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up, and within three days after the said meetings, transmitted to the office of the secretary of the Commonwealth: *provided*, that in the several cities and in the towns which have been divided into voting precincts, the meetings held under this resolve shall be conducted according to the provisions of the acts establishing the same, and of the several acts in addition thereto. The meetings held under this resolve shall be deemed to be elections within the meaning of that word, as now used in the statutes relating to registration and elections. In taking the vote on said article of amendment there shall be used the ballot-box provided in accordance with the requirements of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four. All ballots on said article shall be deposited in such boxes, and no ballots shall be

Provi-o.

counted, in ascertaining the result of such votes, unless so deposited and therein registered, or deposited as hereinafter provided. The provisions of said chapter two hundred and ninety-nine shall, so far as applicable, apply to the use of such ballot-boxes in voting on said article of amendment. All existing provisions of law to prevent fraudulent voting, and the penalties therefor, shall apply to the taking of the vote on said article of amendment. All statutes relating to registration and elections shall govern and be observed in respect of such meetings, so far as the same are applicable thereto. The voting precincts, as existing at the time of the last state election, shall continue for all purposes under this resolve; the officers, unless otherwise provided in this resolve, and proceedings shall be the same as heretofore provided by law for said precincts, and the lists of voters prepared for the last election shall be used, subject to all lawful changes and erasures: *provided, however*, that the posting of voting lists and notices thereon in the several cities and towns, and the holding of evening sessions in or near each ward in the city of Boston, shall not be required; but the officers or board charged with the preparation of the voting lists in the several cities and towns shall give notice of the time and place for holding their sessions for registration by posting two or more notices in conspicuous places in each town, ward or precinct, and by such other methods as said officers or board may deem best.

Proviso.

Resolved, That every person qualified to vote as aforesaid may express his opinion on said article of amendment without expressing in his ballot the contents of said article; but the form of said ballot shall be as follows: "Amendment to the Constitution, Yes," or "No." And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

Vote to be
"Yes" or
"No."

Resolved, That his excellency the governor and the council shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment, and deposited in the secretary's office, as a part of the constitution of this Commonwealth, and shall be published in immediate connection there-

Votes to be
examined and
result ascer-
tained.

with, numbered according to its numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of this Commonwealth printed by public authority.

If amendment is adopted, the governor to make proclamation.

Resolved, That his excellency the governor be and he hereby is authorized and requested to issue his proclamation forthwith after the examination of the votes returned as aforesaid, reciting said article of amendment, and announcing that said article has been duly adopted and ratified by the people of this Commonwealth, and has become a part of the constitution thereof, and requiring all magistrates and officers, and all citizens of the said Commonwealth, to take notice thereof, and govern themselves accordingly; or that the said article of amendment has been rejected, as the case may be.

Ballots to be furnished to city and town clerks.

Resolved, That the secretary of the Commonwealth shall send to the several city and town clerks, seven days at least previous to taking the vote on said article of amendment, ballots both affirmative and negative, in number at least twice as many of each as there are registered voters in each city and town. Such ballots shall be distributed to the voters at each polling place by two distributors, one of whom shall be publicly known to be in favor of, and the other opposed to, the proposed amendment, to be appointed by the clerk of the city or town, and their compensation to be paid by the city or town.

Printed copy of resolves to be furnished to the cities and towns of the Commonwealth.

Resolved, That a printed copy of these resolves, including the said article of amendment, and blank forms of the returns of votes on said article, shall be transmitted, as soon as may be, by the secretary of the Commonwealth, to the mayors and aldermen of the several cities, and the selectmen of the several towns, of this Commonwealth.

Legal public holiday.

Resolved, That the day set apart for the taking of the said vote is hereby made a legal public holiday.

Approved March 21, 1889.

Chap. 42 RESOLVE PROVIDING FOR THE PURCHASE OF LAND AND FOR REPAIRS TO THE BUILDINGS ON THE SAME AT THE LYMAN SCHOOL FOR BOYS.

Allowance for purchase of Wilson farm adjoining the Lyman farm.

Resolved, That 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 trustees of the Lyman school for boys, for the purchase of the so called Wilson farm, adjoining the Lyman farm now the property of the Commonwealth, and for such alterations to the buildings thereon as may be necessary for the better accommodation of the said Lyman school for boys at Westborough.

Approved March 21, 1889.

RESOLVE PROVIDING FOR CERTAIN CHANGES AND IMPROVEMENTS
AT THE TAUNTON LUNATIC HOSPITAL.

Chap. 43

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixteen thousand dollars, to be expended at the Taunton lunatic hospital at Taunton, under the direction of the trustees, for the following purposes, to wit:— for the purpose of continuing the work on the water closets, a sum not exceeding five thousand five hundred dollars; for building a gate house at the rear entrance, a sum not exceeding five hundred dollars; for enlarging the pigery, a sum not exceeding one thousand five hundred dollars; for painting the woodwork, a sum not exceeding two thousand five hundred dollars; for ordinary repairs, a sum not exceeding six thousand dollars.

Taunton lunatic hospital.

Approved March 21, 1889.

RESOLVE IN FAVOR OF MARY BURNS.

Chap. 44

Resolved, That Mary Burns, a resident of Boston, widow of John Burns who was a resident of Massachusetts both before and after his enlistment, in the war of the rebellion, in company F, fifth regiment, United States artillery, but whose service was not credited to Massachusetts, is hereby made eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes and the amendments thereto, in the same manner and to the same extent that she would have been had her husband served to the credit of Massachusetts, and had she herself been a resident of this state on the twenty-third day of April in the year eighteen hundred and sixty-six.

Mary Burns eligible to receive state aid.

Approved March 21, 1889.

RESOLVE PROVIDING FOR THE PAYMENT OF CERTAIN BILLS INCURRED IN EXCESS OF APPROPRIATIONS THEREFOR AT THE LYMAN SCHOOL FOR BOYS.

Chap. 45

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand

Lyman school for boys.

and thirty-three dollars and twenty-one cents, for the payment of certain bills incurred in excess of appropriations therefor at the Lyman school for boys at Westborough, under the authority of the trustees, in completing the alterations in Lyman hall, and for heating and plumbing the new house for the use of the superintendent and officers, and for hospital purposes.

Approved March 22, 1889.

Chap. 46

Annuity for five years to Jane Parks.

RESOLVE IN FAVOR OF JANE PARKS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Jane Parks of Cambridge, the sum of two hundred dollars annually for the term of five years from the first day of January in the year eighteen hundred and eighty-nine: *provided, however*, that the above-named annuity shall cease at the death of said Jane Parks, if the same should occur within the time specified in this resolve.

Approved March 22, 1889.

Chap. 47

Allowance for repairs, etc., at state normal school at Salem.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT SALEM.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of nineteen hundred and seventy dollars for repairs and improvements at the state normal school at Salem as follows, namely:— the sum of six hundred and fifty dollars for water closets and repairs, and the sum of thirteen hundred and twenty dollars for the establishment and fitting up of a physical laboratory; all of the foregoing sums to be expended under the direction of the board of education.

Approved March 22, 1889.

Chap. 48

In favor of James K. Beede, William B. Potter and Wallace P. Balcom.

RESOLVE IN FAVOR OF JAMES K. BEEDE, WILLIAM B. POTTER AND WALLACE P. BALCOM.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to James K. Beede, William B. Potter and Wallace P. Balcom, officers of company C, eighth regiment, Massachusetts volunteer militia, the sum of one hundred dollars each, to compensate them for uniforms and equipment destroyed by fire in the armory of said company at Marblehead on the night of December twenty-fifth in the year eighteen hundred and eighty-eight.

Approved March 25, 1889.

RESOLVE PROVIDING FOR PRINTING THREE THOUSAND EXTRA COPIES OF THE REPORT OF THE COMMISSIONERS ON GRADE CROSSINGS. *Chap. 49*

Resolved, That there be printed three thousand extra copies of the report of the commissioners on grade crossings, to be distributed as follows: — eight copies to each member of the senate and house of representatives, three hundred copies to the commissioners on grade crossings, two hundred copies to the board of railroad commissioners, two hundred copies to the committee on railroads, and the balance under the direction of the sergeant-at-arms.

Report of commissioners on grade crossings.

Approved March 25, 1889.

RESOLVE PROVIDING FOR THE PRINTING AND DISTRIBUTION OF THE REPORT OF THE COMMISSIONER OF PUBLIC RECORDS OF PARISHES, TOWNS AND COUNTIES. *Chap. 50*

Resolved, That the secretary of the Commonwealth cause to be electrotyped, printed and bound for distribution, twenty-five hundred copies of the report of the commissioner of public records of parishes, towns and counties, for the use of the Commonwealth, and that he cause them to be distributed as follows: — to each member of the executive and legislative departments, the clerks and assistant clerks of both branches of the general court, and each reporter assigned a seat in either branch, one copy; to said commissioner, to be at his disposal, three hundred copies; to the state library, twenty-five copies; to the Massachusetts historical society, and the New England historic genealogical society, five copies each; to the following cities, towns, colleges, academies, societies, officers, boards and persons, one copy each, — each city and town of the Commonwealth for the use of the city or town; each free public library in the Commonwealth which is open to the use of the city or town where it is situated; the judges of the United States supreme court; the judges of the United States circuit and district courts in Massachusetts; the judges of the supreme judicial court; the judges of the superior court; the clerks of the above named courts; the judges and registers of probate; the registers of deeds; the district attorneys; the county treasurers; each board of county commissioners; the libraries of Harvard university, Williams college, Amherst college, Phillips academy, Tufts college, Boston

Printing and distribution of report of the commissioner of public records of parishes, towns and counties.

university, the college of the holy cross at Worcester, Wellesley college, Smith college, Boston college, Massachusetts agricultural college, the Worcester polytechnic institute, Dean academy, Bradford academy, the American academy of arts and sciences, the Old Colony historical society, the proprietors of the Boston atheneum, the American antiquarian society, the Worcester society of antiquity, the Essex institute, the Pilgrim society, the New England methodist historical society, the Bostonian society; the county law libraries.

Approved March 25, 1889.

Chap. 51 RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

Allowance to the industrial school for deaf mutes of Beverly.

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 of said school shall report to the state board of education.

Approved March 27, 1889.

Chap. 52 RESOLVE IN FAVOR OF PATRICK M. DRUMMEY.

Annuity to Patrick M. Drummey.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Patrick M. Drummey, an annuity of two hundred dollars for the rest of his natural life, payable in equal quarterly instalments, to be so allowed from the first day of January in the year eighteen hundred and eighty-nine.

Approved March 28, 1889.

Chap. 53 RESOLVE IN FAVOR OF HENRY J. COOLIDGE.

In favor of Henry J. Coolidge.

Whereas, Henry J. Coolidge, late deputy secretary of the Commonwealth and first clerk, and an employee in the secretary's department for more than thirty-four years, is now afflicted with a disease with which he was stricken while in the performance of his duties, and which incapacitates him from further service; therefore

Resolved, That in recognition of his long and faithful service, there be allowed and paid out of the treasury of the Commonwealth to the said Henry J. Coolidge, who

resigned his office and clerkship on the fourteenth day of March of the present year, or, in case of his death, to his widow or her legal heirs, a sum equal to the amount of salary which said Coolidge would have received had he continued to perform service as first clerk as aforesaid to the end of the current year. *Approved March 29, 1889.*

RESOLVE IN FAVOR OF JOHN C. AND ROSANNA ORCUTT.

Resolved, That John C. Orcutt of Boston, who served as a volunteer in company A, twentieth regiment, Massachusetts infantry, during the war of the rebellion, and Rosanna his wife, shall, on and after the first day of March, eighteen hundred and eighty-nine, be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes and the amendments thereto, in the same manner and to the same extent they would have been had they been actual residents of Massachusetts on and prior to April twenty-third, eighteen hundred and sixty-six.

Approved March 29, 1889.

Chap. 54

John C. and
Rosanna Orcutt
eligible to
receive state aid.

RESOLVE PROVIDING FOR PRINTING FIFTEEN HUNDRED EXTRA COPIES OF THE ANNUAL REPORT OF THE STATE BOARD OF ARBITRATION.

Resolved, That fifteen hundred extra copies of the annual report of the state board of arbitration for the year eighteen hundred and eighty-eight be printed, to be distributed under the direction of said board, one thousand of said copies to be bound in muslin.

Approved March 29, 1889.

Chap. 55

Report of state
board of arbi-
tration.

RESOLVE IN FAVOR OF THE GETTYSBURG BATTLEFIELD MEMORIAL ASSOCIATION.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Gettysburg battlefield memorial association, a corporation existing in the state of Pennsylvania, a sum not exceeding five hundred dollars, for the purpose of erecting a bronze tablet at a certain copse of trees on the battlefield of Gettysburg known as the "high-water mark of the rebellion;" at which copse of trees Longstreet's famous assault was directed July third, eighteen hundred and sixty-three, which was met and repulsed by union troops, in which repulse three Massachusetts regiments participated.

Approved April 5, 1889.

Chap. 56

In favor of the
Gettysburg
battlefield
memorial asso-
ciation.

Chap. 57

Ann Noonan
eligible to
receive state aid.

RESOLVE IN FAVOR OF ANN NOONAN.

Resolved, That Ann Noonan, widow of Joseph P. Noonan who was a member of company B, third regiment of United States infantry, during the war of the rebellion, shall, from and after the fifteenth day of February in the year eighteen hundred and eighty-nine, 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, to the same extent that she would have been entitled had her husband served to the credit of this Commonwealth.

Approved April 9, 1889.

Chap. 58

Testimonials
to soldiers and
sailors.

RESOLVE TO FURTHER AMEND CHAPTER FIFTY-THREE OF THE RESOLVES OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, PROVIDING FOR TESTIMONIALS TO SOLDIERS AND SAILORS.

Resolved, That the adjutant-general deliver testimonials provided for in the fifty-third chapter of the resolves of the year eighteen hundred and sixty-nine to all soldiers and sailors who enlisted in the regular army and navy prior to April sixteenth in the year eighteen hundred and sixty-one, and who served not less than six months after said date, and were honorably discharged, and who were citizens of Massachusetts at the time of their enlistment.

Approved April 9, 1889.

Chap. 59

Barney McCabe
allowed a sol-
dier's bounty.

RESOLVE IN FAVOR OF BARNEY McCABE.

Resolved, That Barney McCabe, late of company C, thirtieth regiment of Massachusetts volunteers, is entitled to the sum of one hundred and ninety dollars, as bounty from the first day of September in the year eighteen hundred and sixty-four to the sixteenth day of June 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 sixteenth day of June 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 April 9, 1889.

RESOLVE PROVIDING FOR AN ADDITIONAL BUILDING AT THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 60*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended under the direction of the trustees of the soldiers' home, at Chelsea, in the Commonwealth of Massachusetts, for the purpose of building an addition to the present buildings at the home, made necessary by the large increase of applicants for admission: *provided, however*, that said trustees shall cause the act of incorporation to be changed so that the Commonwealth shall be represented on the board of trustees by three members to be appointed by the governor with the approval of the council, during the year eighteen hundred and eighty-nine, one for three years, one for two years and one for one year, and at the expiration of their respective terms appointments shall be for a term of three years. *Approved April 9, 1889.*

Allowance for an additional building at the soldiers' home.

Proviso.

RESOLVE GRANTING COUNTY TAXES.

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county named, respectively, to be collected and applied according to law, viz.: — Berkshire, seventy-five thousand dollars; Barnstable, thirteen thousand dollars; Bristol, one hundred eighty-three thousand dollars; Essex, two hundred five thousand dollars; Dukes, seven thousand dollars; Franklin, thirty-three thousand dollars; Hampden, ninety-five thousand dollars; Hampshire, forty-two thousand dollars; Middlesex, two hundred sixty thousand dollars; Norfolk, eighty thousand dollars; Worcester, one hundred fifteen thousand dollars; Plymouth, sixty-five thousand dollars.

Chap. 61

County taxes granted.

Approved April 12, 1889.

RESOLVE TO PROVIDE FOR THE ENLARGEMENT OF THE YARD AT THE STATE PRISON AND FOR OTHER PURPOSES. *Chap. 62*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of thirty-five thousand dollars, to be expended under the direction of the commissioners of prisons, for the following purposes: — for the enlargement of the yard at the state prison, twenty thousand dollars; for the construction of a build-

Allowance for enlargement of yard at state prison, etc.

ing to be used for the confinement of disabled and infirm prisoners, fifteen thousand dollars.

Approved April 12, 1889.

Chap. 63 RESOLVE PROVIDING FOR A NEW BUILDING AT THE AGRICULTURAL EXPERIMENT STATION.

Allowance for a new building at the agricultural experiment station.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars, to be expended by the board of control, for the purpose of erecting a suitable building and stocking it, and for providing the necessary apparatus and a greenhouse at the agricultural experiment station at Amherst, to enable the said board of control to establish a department of vegetable physiology for the purpose of investigating the diseases of plants.

Approved April 12, 1889.

Chap. 64 RESOLVE IN FAVOR OF THE TOWNS OF WALPOLE AND BRIDGEWATER.

In favor of the towns of Walpole and Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Walpole, the sum of two hundred and thirty-five dollars, and to the town of Bridgewater, the sum of two hundred and sixty-five dollars, these amounts being due to said towns for their joint employment of a superintendent of schools under the provisions of chapter four hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight, for the period of six months from the first day of October in the year eighteen hundred and eighty-eight to the first day of April in the year eighteen hundred and eighty-nine.

Approved April 17, 1889.

Chap. 65 RESOLVE RELATIVE TO THE TWENTY-SECOND DAY OF APRIL IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE.

Resolve providing that April 22, 1889, shall be a legal public holiday, shall not affect the payment of drafts, etc., or performance of contracts.

Resolved, That so much of chapter forty-one of the resolves of the year eighteen hundred and eighty-nine as provides that the twenty-second day of April in the present year shall be a legal public holiday, the same being the day set apart for the taking of the vote upon the article of amendment to the constitution forbidding the manufacture and sale of intoxicating liquors to be used as a beverage, shall not affect the payment of bills of exchange, drafts and promissory notes, or the performance of contracts, due and payable or to be performed on that day, or any legal proceedings in relation thereto.

Approved April 18, 1889.

RESOLVE IN FAVOR OF THE WIDOW OF LEWIS HAYDEN.

Chap. 66

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late Lewis Hayden who for more than thirty years was a messenger in the department of the secretary of the Commonwealth, and who died on the seventh of April, eighteen hundred and eighty-nine, the sum of six hundred and fifty-seven dollars and fifty cents, being the amount of salary he would have received had he lived to perform service as aforesaid to the end of the present year.

In favor of the widow of Lewis Hayden.

Approved April 19, 1889.

RESOLVE IN FAVOR OF CERTAIN SETTLERS OCCUPYING LANDS IN THE MADAWASKA TERRITORY AFFECTED BY THE TREATY OF WASHINGTON.

Chap. 67

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of fifteen hundred dollars and fifty cents, being for one-half of an amount of money collected in the years eighteen hundred and forty-five and eighteen hundred and forty-six for timber taken from preëmption lots, then jointly in the possession of the state of Maine and the Commonwealth of Massachusetts, and paid over at that time to both states, to be paid to the following named persons, to wit: —

In favor of certain settlers occupying lands in the Madawaska territory.

To William Mullen or his heirs or assignees, two hundred and twenty-one dollars and ninety-seven cents; John and James Harford or their heirs or assignees, seventy-two dollars and ninety-eight cents; Paschal Gendeau or his heirs or assignees, twenty dollars and forty-nine cents; Alexander Jones or his heirs or assignees, thirty-nine dollars and twenty-eight cents; Francis Labie or his heirs or assignees, one hundred and ninety-six dollars and sixty-six cents; Dominique Debigh or his heirs or assignees, sixty-three dollars and fifty-nine cents; Charles Pelletier or his heirs or assignees, thirty-three dollars and ninety cents; John Chareth or his heirs or assignees, one hundred seventy-three dollars and ninety-three cents; Isaac Yearington or his heirs or assignees, two hundred and twenty-six dollars and twenty-four cents; Charles Bouchard or his heirs or assignees, forty-four dollars and twenty-five cents; Thomas Berabe or his heirs or assignees, ninety-three dollars and ninety-nine cents; Louis Michaud or

his heirs or assignees, three hundred and thirteen dollars and twenty-two cents: *provided, however*, that no person or persons claiming under any assessment or assignments hereafter made of any of the aforesaid sums or claims shall be entitled to the benefits of this resolve.

Proviso.

Approved April 23, 1889.

Chap. 68 RESOLVE TO CONFIRM THE ACTS OF FRED B. BYRAM AS JUSTICE OF THE PEACE DESIGNATED TO ISSUE WARRANTS AND TAKE BAIL.

Fred B. Byram, justice of the peace, designated to issue warrants and take bail, acts confirmed.

Resolved, That all acts done by Fred B. Byram of North Attleborough as a justice of the peace designated and commissioned to issue warrants in criminal cases, arising within the judicial district of the first district court of Bristol and take bail therein, between the thirtieth day of July in the year eighteen hundred and eighty-seven and the twenty-sixth day of December in the year eighteen hundred and eighty-eight, 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.

Approved April 26, 1889.

Chap. 69 RESOLVE TO PROVIDE FOR SURVEYING LANDS OF THE COMMONWEALTH AT THE REFORMATORY PRISON FOR WOMEN.

Survey of lands at the reformatory prison for women.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one hundred and fifty dollars, to be expended by the commissioners of prisons for surveying and placing bounds to the lands of the Commonwealth at the reformatory prison for women and for making plans of said lands.

Approved April 26, 1889.

Chap. 70 RESOLVE TO PROVIDE FOR THE CONSTRUCTION AND FURNISHING OF A BUILDING TO BE USED AS A SCHOOL-ROOM AT THE STATE PRISON IN BOSTON.

Allowance for a school-room at the state prison.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended under the direction of the commissioners of prisons for the construction and furnishing of a building to be used as a school-room at the state prison in Boston. Said building shall be placed at the southerly end of the south wing of said prison in such a manner as not to obstruct in any way the windows in said south wing.

Approved April 26, 1889.

RESOLVE PROVIDING FOR AN EXAMINATION INTO THE SUBJECT OF THE NET ASSETS AND PERMANENT FUND OF MUTUAL FIRE INSURANCE COMPANIES. *Chap. 71*

Resolved, That the insurance commissioner be instructed to examine into the subject of the net assets and permanent fund of mutual fire insurance companies and the investment thereof, and to report to the next general court what legislation, if any, is required in connection therewith. *Insurance commissioner to examine net assets, etc., of mutual fire insurance companies and report.*
Approved April 26, 1889.

RESOLVE PROVIDING FOR PRINTING THE TOPOGRAPHICAL MAP OF MASSACHUSETTS. *Chap. 72*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, for printing such number of the wall map of the topographical survey of the Commonwealth, as the commissioners with the approval of the governor shall deem necessary, to be distributed as follows: — one copy to each member of the legislature, the balance to be at the disposal of the commissioners. *Map of Massachusetts.*
Approved May 3, 1889.

RESOLVE IN FAVOR OF JOSEPH MORDETTE.

Resolved, That Joseph Mordette, who served in the United States navy during the war of the rebellion, from the eighth day of May in the year eighteen hundred and sixty-one to the thirteenth day of July in the year eighteen hundred and sixty-three, from and after the first day of April in the year eighteen hundred and eighty-nine shall 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 served to the credit of this Commonwealth. *Joseph Mordette eligible to receive state aid.*
Chap. 73
Approved May 3, 1889.

RESOLVE PROVIDING FOR REBUILDING THE BARN 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 twenty-five hundred dollars, to be expended at the state industrial school for girls at Lancaster, under the direc- *Barn to be rebuilt at state industrial school for girls.*

tion of the trustees of the state primary and reform schools, for the purpose of rebuilding the barn at said institution.
Approved May 3, 1889.

Chap. 75 RESOLVES DECLARING UNOFFICIAL THE BOOKS ENTITLED "RECORD OF THE MASSACHUSETTS VOLUNTEERS, 1861-1865."

Record of the Massachusetts Volunteers declared unofficial.

Whereas, It appears by the report of the joint special committee of the general court of the year eighteen hundred and eighty-eight, on the subject of perfecting the records of officers and enlisted men who served in the army and navy during the war of the rebellion, that the two volumes entitled the "Record of the Massachusetts Volunteers, 1861-1865," published by the adjutant-general under authority of chapter ninety-eight of the resolves of the year eighteen hundred and sixty-six, are not sufficiently correct to be regarded as authority; and

Whereas, Said volumes are and have been subject to frequent changes by the action of the war department and the adjutant-general's office, in order that errors, clerical and typographical, may be corrected; therefore

Resolved, That the two volumes known as the "Record of the Massachusetts Volunteers, 1861-1865," and published by the adjutant-general, are hereby declared unofficial.

Copy of resolve to be sent to James Holehouse.

Resolved, That the secretary of the Commonwealth be directed to send a copy of this resolve to James Holehouse, formerly of company D, seventh regiment, Massachusetts volunteers, who is erroneously represented in one of said volumes as a deserter, and also to send a copy of this resolve to the commander of the department of Massachusetts, grand army of the republic, that the information may be officially transmitted to the several grand army posts.

Notice of corrections to be sent to commander of department of Massachusetts, grand army of the republic.

Resolved, That the adjutant-general be directed to notify the commander of the department of Massachusetts, grand army of the republic, of any correction that may hereafter be made in said records, wherein any soldier or sailor has been, prior to such correction, erroneously reported as a deserter, and also to send a notice of such correction to the last known address of such soldier or sailor.

Approved May 8, 1889.

RESOLVE TO PROVIDE FOR NEW BOILERS AND FOR CERTAIN OTHER
REPAIRS AT THE MASSACHUSETTS REFORMATORY. *Chap. 76*

§ *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 commissioners of prisons, as follows:— for the purchase and setting of two new boilers, a sum not exceeding three thousand dollars; for supplying the officers' houses with electric alarms and repairing electric wires, a sum not exceeding fourteen hundred dollars; for additional laundry machinery and appliances, a sum not exceeding one thousand dollars; for repairing the stockade fence, a sum not exceeding eight hundred dollars; and for books for the library, a sum not exceeding five hundred dollars.

Allowance for new boilers, etc., at the Massachusetts reformatory.

Approved May 8, 1889.

RESOLVE RELATIVE TO EXAMINING AND DEFINING THE BOUNDARY
LINE ON TIDE-WATER BETWEEN THE CITY OF GLOUCESTER AND
THE TOWN OF IPSWICH. *Chap. 77*

Resolved, That the harbor and land commissioners are hereby directed to examine and define the boundary line on tide-water between the city of Gloucester and town of Ipswich, and to report to the next general court.

Boundary line between Gloucester and Ipswich.

Approved May 8, 1889.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AT THE STATE PRIMARY
SCHOOL AT MONSON. *Chap. 78*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand dollars, to be expended for new boilers at the state primary school at Monson, under the direction of the trustees of said school.

Allowance for repairs at state primary school.

Approved May 9, 1889.

RESOLVE PROVIDING FOR THE SUPPORT AND MAINTENANCE OF
SARAH J. ROBINSON, A PRISONER IN JAIL AT LOWELL IN THE
COUNTY OF MIDDLESEX. *Chap. 79*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the treasurer of the county of Middlesex, for the support and maintenance of Sarah J. Robinson, a prisoner serving a life sentence in the jail at Lowell in said county, a sum not exceeding four hundred dollars for each year that said prisoner shall

Support of Sarah J. Robinson.

be supported by said county, and a proportional part of said sum for any part of a year during which she shall have been or shall be so supported, commencing on the sixteenth day of November in the year eighteen hundred and eighty-eight.

Approved May 10, 1889.

Chap. 80 RESOLVE PROVIDING FOR PRINTING THREE THOUSAND EXTRA COPIES OF THE REPORT OF THE STATE BOARD OF HEALTH ON WATER SUPPLY AND SEWERAGE.

Report on water supply and sewerage.

Resolved, That three thousand extra copies of the report of the state board of health on water supply and sewerage for the year eighteen hundred and eighty-eight be printed, to be distributed under the direction of said board.

Approved May 14, 1889.

Chap. 81 RESOLVE PROVIDING FOR CERTAIN REPAIRS AT THE WESTBOROUGH INSANE HOSPITAL.

Allowance for repairs at Westborough insane hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended at the Westborough insane hospital at Westborough under the direction of the trustees for the following purposes, to wit:— a sum not exceeding one thousand dollars for painting the out buildings and a sum not exceeding five hundred dollars for concreting the barn cellar.

Approved May 14, 1889.

Chap. 82 RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE FARM AT BRIDGEWATER.

Repairs and improvements at state farm at Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand five hundred dollars, to be expended at the state farm at Bridgewater under the direction of the trustees and superintendent of said state farm for the following purposes, to wit:— for the erection of buildings for storage of ice, a sum not exceeding fifteen hundred dollars; for heating and furnishing the new buildings in process of construction, a sum not exceeding ten thousand dollars; for moving, repairing and building addition to the barn nearest the main buildings and for the erection of a new stable, a sum not exceeding six thousand dollars.

Approved May 21, 1889.

Chap. 83 RESOLVE IN FAVOR OF MARY HARRINGTON.

Mary Harrington eligible to receive state aid.

Resolved, That Mary Harrington, mother of Thomas H. Kelly who served in the United States navy during the

war of the rebellion, from and after the first day of April in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the 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 if the said Thomas H. Kelly had served to the credit of this Commonwealth.

Approved May 21, 1889.

RESOLVE IN FAVOR OF THE SOLDIERS' MESSENGER CORPS.

Chap. 84

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.

In favor of the soldiers' messenger corps.

Approved May 21, 1889.

RESOLVE PROVIDING FOR THE PAYMENT OF CURRENT EXPENSES AT THE WESTBOROUGH INSANE HOSPITAL.

Chap. 85

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars, for the purpose of meeting current expenses at the Westborough insane hospital at Westborough for the year eighteen hundred and eighty-nine, the same to be expended under the direction of the trustees of said hospital.

Allowance for current expenses at the Westborough insane hospital.

Approved May 21, 1889.

RESOLVE PROVIDING FOR ADDITIONAL FURNITURE IN THE BUREAU OF STATISTICS OF LABOR.

Chap. 86

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, for the purpose of providing additional bookcases, shelving and other furniture in the bureau of statistics of labor; to be expended under the direction of the commissioners on the state house.

Bureau of statistics of labor.

Approved May 21, 1889.

RESOLVE PROVIDING FOR ADDITIONAL HOSPITAL ACCOMMODATIONS FOR MEN AT THE STATE ALMSHOUSE AT TEWKSBURY.

Chap. 87

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-five thousand dollars, for additional hospital ac-

Additional hospital accommodations for men at state almshouse.

commodations for men at the state almshouse at Tewksbury, the same to be expended under the direction of the trustees and superintendent of said state almshouse, provided that no part of said sum shall be expended until plans for the necessary changes are approved by the governor and council and contracts made for the completion of the same for the sum above named. The amount of expenditure authorized in this resolve is to provide for the erection of a building near the present male hospital and to make such changes in said hospital as are necessary to connect it with the new structure above named.

Approved May 21, 1889.

Chap. 88 RESOLVE TO PROVIDE FOR A WATER SUPPLY AT THE STATE CAMP GROUND AT SOUTH FRAMINGHAM.

Water supply
at the state
camp ground.

Resolved, That the quartermaster-general under the direction of the governor is hereby authorized to take water to supply the state camp ground at South Framingham, from Leonard's pond or from any other source of water supply approved by the governor situated near said camp ground, and to lay pipes to said pond over and through adjoining lands; and that there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixty-five hundred dollars, to be expended for building tanks, laying pipes and erecting buildings for bathing and other purposes.

Approved May 23, 1889.

Chap. 89

In favor of
Theodore E.
Davis.

RESOLVE IN FAVOR OF THEODORE E. DAVIS.

Resolved, That there be allowed and paid to Theodore E. Davis of Washington in the district of Columbia, agent for the Commonwealth for prosecuting claims against the United States arising under the act of congress approved on the twenty-seventh day of July in the year eighteen hundred and sixty-one, also an act approved on the seventh day of July in the year eighteen hundred and eighty-four, a commission of twenty-five per cent. on the coast defence claim, so called, which shall be in full compensation for services and expenses, and which shall be paid from any amount so collected and paid into the treasury of the Commonwealth; the payment of this commission shall apply to amounts heretofore collected and paid into said treasury by said Davis as well as to all future collections.

Approved May 29, 1889.

RESOLVE PROVIDING FOR REPAIRS ON THE BOARDING-HOUSE AT THE STATE NORMAL SCHOOL AT BRIDGEWATER. *Chap. 90*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand five hundred dollars, to be expended at the state normal school at Bridgewater under the direction of the state board of education, for the following purposes:— for repairing the boarding-house at said school belonging to the Commonwealth. *Approved June 3, 1889.*

Allowance for repairs at state normal school at Bridgewater.

RESOLVE IN FAVOR OF MINOT AMSDEN.

Resolved, That Minot Amsden, father of Albert D. Amsden formerly a member of the third Massachusetts cavalry, and who died at New Orleans on the thirteenth of May in the year eighteen hundred and sixty-two, shall, from and after the first day of May in the year eighteen hundred and eighty-nine, 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 been in receipt of state aid during the year eighteen hundred and sixty-six.

Approved June 4, 1889.

Chap. 91

Minot Amsden eligible to receive state aid.

RESOLVE PROVIDING FOR REMODELLING AND ENLARGING THE STATE NORMAL SCHOOL AT BRIDGEWATER AND FOR THE ERECTION OF A NEW BUILDING. *Chap. 92*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one hundred and fifty thousand dollars, to be expended at the state normal school at Bridgewater under the direction of the state board of education, for the following purposes, to wit:— for reconstructing, remodelling and enlarging the school building or for erecting a new school building, for removing such portions of the old building as may be necessary, for heating, plumbing and ventilation, for architect's commission and expenses, and for all necessary expenses for furnishing said building for the use of the school: *provided, however*, that no part of the sum herein named shall be expended, until plans shall have been submitted to the governor and council which will satisfy them that the expenditure herein authorized

Allowance for remodelling and enlarging, etc., the state normal school at Bridgewater.

Provisos.

will not exceed the amount stated in this resolve; and *provided, further*, that no larger sum than seventy-five thousand dollars shall be expended during the year eighteen hundred and eighty-nine.

Approved June 4, 1889.

Chap. 93 RESOLVES PROVIDING FOR THE PURCHASE OF A SITE FOR A NEW SCHOOL BUILDING OR FOR THE ENLARGEMENT OF THE PRESENT SITE, AND FOR THE ERECTION OF A NEW SCHOOL BUILDING FOR THE STATE NORMAL SCHOOL AT WESTFIELD.

Allowance for a new school building, etc., at the state normal school at Westborough.

Resolved, That the board of education be and is hereby authorized to purchase and receive grants of land in Westfield, in suitable quantity, in the name of the Commonwealth, for the site of a new normal school building for the use of the Westfield state normal school or for the enlargement of the present site; and to erect on one of said sites a new school building for the use of said school, and to furnish the same with necessary appurtenances and apparatus. The sum of one hundred and fifty thousand dollars is hereby appropriated to be paid out of the treasury of the Commonwealth and to be expended under the direction of the board of education: *provided*, that no larger sum than seventy-five thousand dollars shall be expended during the year eighteen hundred and eighty-nine; and *provided, further*, that no part of the sum herein named shall be expended until plans shall have been submitted to the governor and council which will satisfy them that the expenditure herein authorized will not exceed the amount stated in this resolve.

Provisos.

Present site and buildings may be sold.

Resolved, That the board of education are hereby authorized, in case a new site shall be purchased for the use of said school and a new building shall be erected thereon, to sell the present site and building used by said school and to pay the proceeds into the treasury of the Commonwealth.

Approved June 5, 1889.

Chap. 94 RESOLVE PROVIDING FOR THE PURCHASE OF ADDITIONAL REAL ESTATE BY THE TRUSTEES OF THE TAUNTON LUNATIC HOSPITAL.

Allowance for additional real estate at the Taunton lunatic hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eighteen hundred dollars, to be expended at the Taunton lunatic hospital under the direction of the trustees thereof for the purchase of additional real estate.

Approved June 5, 1889.

RESOLVE IN FAVOR OF FLORENCE W. ADAMS.

Chap. 95

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Florence W. Adams, the sum of four hundred and fifty dollars, to compensate her for the loss of pay while she was disabled by sickness brought on by overwork in the office of the commissioner for compiling the laws of the province of Massachusetts bay.

In favor of
Florence W.
Adams.

Approved June 5, 1889.

RESOLVE IN FAVOR OF ELIZA MURPHY.

Chap. 96

Resolved, That Eliza Murphy, mother of James J. Murphy who was a private in battery F, fourth United States artillery, during the war of the rebellion, and was honorably discharged therefrom and has since died, shall, from and after the fifteenth day of May in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, to the same extent that she would have been entitled had her son served to the credit of this Commonwealth.

Eliza Murphy
eligible to
receive state aid.

Approved June 5, 1889.

RESOLVE RELATIVE TO EXAMINING AND DEFINING THE BOUNDARY LINE ON TIDE-WATER BETWEEN THE TOWNS OF ESSEX AND IPSWICH.

Chap. 97

Resolved, That the harbor and land commissioners are hereby directed to examine and define the boundary line on tide-water between the towns of Essex and Ipswich, and to report to the next general court.

Boundary line
between Ips-
wich and Essex.

Approved June 6, 1889.

RESOLVE IN FAVOR OF SIMON B. TUESLEY.

Chap. 98

Resolved, That Simon B. Tuesley, a citizen of Boston, Massachusetts, who enlisted in the first corps of cadets, Massachusetts volunteer militia, June sixth, eighteen hundred and sixty-two, and served until July second, eighteen hundred and sixty-two, shall, from and after the first day of June in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the present year, in the same manner and to the same extent that he would have been entitled had he served to the credit of Massachusetts.

Simon B.
Tuesley eligible
to receive state
aid.

Approved June 6, 1889.

Chap. 99

Frances M. Wilbar eligible to receive state aid.

RESOLVE IN FAVOR OF FRANCES M. WILBAR.

Resolved, That Frances M. Wilbar, widow of Charles C. Wilbar who served as an acting ensign in the United States navy during the war of the rebellion and was a resident of the Commonwealth of Massachusetts at the time of his appointment, shall, from and after the first day of June in the year eighteen hundred and eighty-nine, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the present year, in the same manner and to the same extent that she would have been had the said Charles C. Wilbar served to the credit of Massachusetts.

Approved June 6, 1889.

Chap. 100

Repairs at state house.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE HOUSE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended under the direction of the commissioners on the state house, for repairs and improvements at the state house.

Approved June 6, 1889.

Chap. 101

Industrial school at the Massachusetts reformatory.

RESOLVE TO PROVIDE FOR THE ESTABLISHMENT OF AN INDUSTRIAL SCHOOL AT THE MASSACHUSETTS REFORMATORY AND FOR OTHER PURPOSES.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of seven thousand dollars, to be expended at the Massachusetts reformatory under the direction of the commissioners of prisons for the following purposes: — for the establishment of an industrial school, five thousand dollars; for preparing a dining-room for prisoners in the first grade and for the purchase of furniture for the same, a sum not exceeding two thousand dollars.

Approved June 6, 1889.

Chap. 102

Expenses of state board of lunacy and charity.

RESOLVE PROVIDING FOR CERTAIN EXPENSES OF THE STATE BOARD OF LUNACY AND CHARITY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, for the payment of certain bills already incurred for legal and stenographic services, and for the general expenses of said board, also for codifying, print-

ing and distributing to the overseers of the poor of the several cities and towns in the Commonwealth and to the superintendents of the various public and private charitable institutions a pamphlet edition of the laws of the Commonwealth in relation to the same. The amount herein named shall be in addition to the sum allowed the present year for expenses of said state board of lunacy and charity.

Approved June 6, 1889.

RESOLVE PROVIDING FOR THE FURTHER COLLECTION AND PRESERVATION OF THE PUBLIC RECORDS OF THE PARISHES, TOWNS AND COUNTIES OF THE COMMONWEALTH.

Chap.103

Resolved, That the commissioner appointed under the provisions of chapter sixty-five of the resolves of the year eighteen hundred and eighty-four is hereby directed to take such action as may be necessary in order to complete the work begun under said chapter, and to put the public records of the parishes, towns and counties of the Commonwealth in the custody and condition contemplated by the various laws relating to such records, and in order to secure their preservation. He shall be provided with an office in some suitable place in the city of Boston, and he shall make a report in writing to the legislature in January of each year of the results of his labors in accordance herewith. The said commissioner shall, for such period, not exceeding three years, beginning with the first day of March in the present year, as the governor and council may determine, receive such compensation as may be fixed by them; and he may expend such sums for travelling, clerical and other expenses necessary in the performance of his duties as the governor and council may approve; but the total expenditures under this resolve shall not in any one year exceed four thousand dollars.

Collection and preservation of the public records of parishes, towns and counties.

Approved June 7, 1889.

RESOLVES PROVIDING FOR THE PUBLICATION OF THE EARLY ACTS AND RESOLVES OF THE GENERAL COURT.

Chap.104

Resolved, That the secretary of the Commonwealth shall cause to be collated, indexed and published in a style similar to that in which the blue books, so called, are now published, all the acts and resolves of the general court from the adoption of the constitution to the year eighteen hundred and six, together with such portion of the acts and resolves of that year as he may find neces-

Early acts and resolves of the general court to be collated and published.

sary in order to make such publication complete to the time when full publication of the acts and resolves have already been made; and that in the numbering of the said acts and resolves the numbering hitherto adopted shall be followed so far as practicable.

Distribution.

Resolved, That the number of copies so to be printed shall be one thousand, and that the said copies shall be distributed as follows: — one hundred copies for the use of the various state offices and committee rooms and for the two houses of the legislature; one copy to each of the judges of the supreme judicial and superior courts and each judge of probate and insolvency; six copies for the state library; one copy to each city and town in the Commonwealth, to be placed in the city or town library when such library exists therein; one copy to each public and incorporated library in the Commonwealth other than a city or town library; one copy to each registry of deeds; one copy to the clerk of the courts in each county; fifty copies to be retained in the office of the secretary of the Commonwealth; and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost, the money received therefor to be paid into the treasury of the Commonwealth: *provided*, that no copies shall be sold for the purposes of re-sale. The secretary shall cause to be attached to the inside of the cover of each copy delivered by him to any such public officer a paper stating that such copy is for the use of his office and is to be transmitted by the present incumbent at the expiration of his term of office to his successor in such office. *Approved June 7, 1889.*

Chap. 105 RESOLVE RELATIVE TO AN INVESTIGATION OF THE VARIOUS METHODS OF INFLICTING THE DEATH PENALTY.

Investigation of methods of inflicting the death penalty.

Resolved, That chapter one hundred of the resolves of the year eighteen hundred and eighty-eight is hereby amended so as to read as follows: — *Resolved*, That the commissioners of prisons be instructed to investigate the various methods of inflicting the death penalty, and report the result of their investigations to the general court for the year eighteen hundred and ninety.

Approved June 7, 1889.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE STATE BOARD OF EDUCATION INTO THE SUBJECT OF TECHNICAL INSTRUCTION IN SCHOOLS. Chap.106

Resolved, That the state board of education be and they are hereby requested to investigate in their discretion the condition of all schools and institutions in which the instruction given is technical in whole or in part, with a view to ascertaining the character and completeness of the education received in such schools or institutions, and report to the next general court the result of their investigations and what additional legislation, if any, is necessary to provide such instruction in the common schools of this Commonwealth. Investigation into subject of technical education in schools.

Approved June 7, 1889.

RESOLVE PROVIDING FOR BUILDING A HOUSE FOR THE DEAD AT THE WESTBOROUGH INSANE HOSPITAL. Chap.107

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to be expended at the Westborough insane hospital under the direction of the trustees thereof for building a house for the dead. Allowance for house for the dead at Westborough insane hospital.

Approved June 7, 1889.

RESOLVE PROVIDING FOR THE EXPENSES AND FOR THE ERECTION OF MONUMENTS IN CONNECTION WITH THE ESTABLISHMENT OF THE BOUNDARY LINE BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE. Chap.108

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, for the purpose of paying outstanding bills, erecting new monuments and otherwise carrying out the recommendations of the commissioners appointed under the authority of chapter seventy-three of the resolves of the year eighteen hundred and eighty-five for ascertaining and establishing the true jurisdictional boundary line between the Commonwealth and the state of New Hampshire; and said commissioners are authorized to erect such new monuments as they shall deem necessary for marking the line so recommended, in accordance with their report to the general court at its present session. Monuments at boundary line between Massachusetts and New Hampshire.

Approved June 7, 1889.

*Chap.*109

In favor of
George Eld-
ridge.

RESOLVE IN FAVOR OF GEORGE ELDRIDGE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George Eldridge, a member elect from the second Barnstable district, the sum of seven hundred and fifty dollars, the amount said Eldridge would have been entitled to had he qualified and served as a member of the general court during the present session.

Approved June 7, 1889.

*Chap.*110

Publication of
the provincial
laws.

RESOLVE IN RELATION TO THE PUBLICATION OF THE PROVINCIAL LAWS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, subject to the approval of the governor and council, who shall require annual reports of the condition, progress and cost of the work, a sum not exceeding eleven thousand one hundred and forty-five dollars, for the purpose of continuing the preparation for publication and for the publication of the provincial laws during the year eighteen hundred and eighty-nine, as provided in chapter forty-three of the resolves of the year eighteen hundred and sixty-five and chapter eighty-seven of the resolves of the year eighteen hundred and sixty-seven, but subject to the provisions and limitations embraced in chapter fifty-six of the resolves of the year eighteen hundred and eighty-four.

Approved June 7, 1889.

*Chap.*111

Further time
for investigation
allowed.

RESOLVE RELATIVE TO AN INVESTIGATION BY THE STATE BOARD OF HEALTH OF PONDS, LAKES, STREAMS OR OTHER BODIES OF WATER USED AS ICE SUPPLIES.

Resolved, That the state board of health be granted further time in which to report on the subject of the pollution of ponds, lakes, streams or other bodies of water used as ice supplies in this state, and that report on the same be made to the next general court.

Approved June 7, 1889.

*Chap.*112

In favor of the
state normal
school at
Framingham.

RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT FRAMINGHAM.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-eight thousand two hundred and fifty-eight dollars, for the purpose of furnishing the new building of

the state normal school at Framingham and providing it with heating apparatus, water supply, proper facilities for the disposal of sewage, and such other details as may be necessary to put said building in proper condition for use; the said amount to be expended under the direction of the state board of education. *Approved June 7, 1889.*

State normal
school at Fram-
ingham.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

Amendments to
the Constitution
proposed.

The following proposed Articles of Amendment to the Constitution of this Commonwealth have been officially certified and deposited in the Secretary's Department, as required by chapter 2, section 32, of the Public Statutes, and if agreed to by the General Court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection:—

RESOLVE PROVIDING FOR AN AMENDMENT OF ARTICLE TWENTY-EIGHT OF THE AMENDMENTS TO THE CONSTITUTION RELATIVE TO SOLDIERS AND SAILORS EXERCISING THE RIGHT OF FRANCHISE.

Amendment to
the Constitution
proposed, relative
to soldiers
and sailors
exercising the
right of
franchise.

Resolved, That it is expedient to alter the Constitution of this Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the Senators and two-thirds of the members of the House of Representatives present and voting thereon, be entered on the journals of both Houses, with the yeas and nays taken thereon, and referred to the General Court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the Constitution, by the General Court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

ARTICLE OF AMENDMENT.

Article twenty-eight of the Amendments of the Constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words:—receiving or having received aid from any city or town,—and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE 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 receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

HOUSE OF REPRESENTATIVES, March 27, 1889.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon having voted in the affirmative; and the same is referred to the General Court next to be chosen.

WILLIAM E. BARRETT, *Speaker*.

SENATE, April 3, 1889.

The foregoing Article of Amendment is agreed to, a majority of the Senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the General Court next to be chosen.

HARRIS C. HARTWELL, *President*.

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION TO PREVENT THE DISFRANCHISEMENT OF VOTERS BECAUSE OF A CHANGE OF RESIDENCE WITHIN THE COMMONWEALTH.

Resolved, by both Houses, That it is expedient to alter the Constitution of the Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the Senators and two-thirds of the members of the House of Representatives present and voting thereon, be entered on the journals of both Houses, with the yeas and nays taken thereon, and referred to the General Court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the Constitution, by the General Court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

Amendment to the Constitution proposed, to prevent disfranchisement of voters because of change of residence.

ARTICLE OF AMENDMENT.

No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representa-

tives, shall, by reason of a change of residence within the Commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal.

HOUSE OF REPRESENTATIVES, April 3, 1889.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon having voted in the affirmative; and the same is referred to the General Court next to be chosen.

WILLIAM E. BARRETT, *Speaker*.

SENATE, April 12, 1889.

The foregoing Article of Amendment is agreed to, a majority of the Senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the General Court next to be chosen.

HARRIS C. HARTWELL, *President*.

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION WITH REGARD TO DISENFRANCHISING VOTERS AS A PUNISHMENT FOR CRIME.

Amendment to the Constitution proposed, with regard to disenfranchising voters as a punishment for crime.

Resolved, by both Houses, That it is expedient to amend the Constitution of the Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the Senators and two-thirds of the members of the House of Representatives present and voting thereon, be entered on the journals of both Houses, with the yeas and nays taken thereon, and referred to the General Court next to be chosen; and that said article be published, to the end that if agreed to by the General Court next to be chosen, in the manner provided by the Constitution of the Commonwealth, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

ARTICLE OF AMENDMENT.

The General Court may enact laws excluding from suffrage, for a term not exceeding ten years, all persons convicted of crimes against the elective franchise, and infamous crimes.

SENATE, May 2, 1889.

The foregoing Article of Amendment is agreed to, a majority of the Senators present and voting thereon having voted in the affirmative; and the same is referred to the General Court next to be chosen.

HARRIS C. HARTWELL, *President*.

HOUSE OF REPRESENTATIVES, May 9, 1889.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the General Court next to be chosen.

WILLIAM E. BARRETT, *Speaker*.

RESOLUTIONS.

RESOLUTIONS RELATIVE TO THE PROTECTION OF PROVINCETOWN HARBOR BY THE CONSTRUCTION OF A PERMANENT DIKE ACROSS THE WESTERN PORTION THEREOF.

Protection of Provincetown harbor.

Whereas, Provincetown Harbor in this Commonwealth is in imminent danger of serious and almost irreparable injury from the continued inroads of drifting sand and from the threatened breach by the sea of Long Point, the narrow sandy barrier forming the western terminus of the harbor; and

Whereas, Provincetown Harbor is one of the largest, safest, and most commodious harbors on the Atlantic coast of the United States, and its protection and preservation is a matter of national importance and properly within the jurisdiction of the United States;

Resolved, That the accompanying memorial, addressed to the Honorable Senate and House of Representatives in Congress assembled, be signed by the president of the Senate and by the Speaker of the House of Representatives, and that the secretary of the Commonwealth is hereby instructed to transmit copies of the accompanying memorial to the presiding officers of both houses of Congress, to the senators and members of Congress from this Commonwealth, and to the secretary of war at Washington, D. C.

In House of Representatives, adopted April 5, 1889.

In Senate, adopted in concurrence, April 10, 1889.

MEMORIAL.

To the Honorable Senate and House of Representatives in Congress assembled:—

Memorial to Congress.

The Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, present this memorial:—

1. Provincetown Harbor, at the extremity of Cape Memorial. Cod in the Commonwealth of Massachusetts, is the only harbor of refuge open to sea-going vessels between Vineyard Sound and Boston Harbor. The harbor is commodious and completely land-locked, affording a safe anchorage for thousands of vessels at one time, and is one of the largest and most easily accessible harbors on the Atlantic coast of the United States. The harbor is continually used by sea-going vessels. A careful record kept by the keeper of Wood End Light House, near the entrance to the harbor, shows that during the years eighteen hundred and seventy-six, eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, when the keeping of the record was required by the officers of the United States, twenty-three thousand eight hundred and sixteen sea-going vessels passed in and out of Provincetown Harbor, of which number eleven hundred and seventy-five were steamers. The number of vessels using the harbor has not decreased since eighteen hundred and seventy-eight. Apart from its importance as a harbor of refuge, Provincetown is the home port of a fleet that lands at Provincetown a fishery product exceeding in value eight hundred thousand dollars annually.

2. Provincetown Harbor is semi-circular in form, with sandy shores, the western half of which is formed by Long Point, a narrow point of land, less than one hundred feet in width, several miles in length, composed of loose beach sand. The preservation of Long Point is essential to the preservation of the harbor. The action of the wind and waves has so reduced the width of the "Point" that some effective measures for its protection are absolutely necessary. At a point a little north of Wood End Light the "Point" has been reduced in width from one hundred and thirty-two feet in eighteen hundred and thirty-five to twenty-six feet in eighteen hundred and eighty-nine. The breach of Long Point at that place is the question of but a few years.

3. Into the western portion of Provincetown Harbor adjacent to Long Point, so called, flow several creeks, the sources of which are among the loose sand-hills in the rear of the town. The loosely held sand blown from the hills into the creeks is continually carried into the harbor in quantities so great that the anchorage in the harbor has been perceptibly lessened. The inroads of

Memorial.

drifting sand advanced the shoal ground of the western harbor, in the period from eighteen hundred and thirty-five to eighteen hundred and sixty-eight, at least two hundred and fifty feet into the former deep waters of the harbor. Since eighteen hundred and sixty-eight the advance of drifting sand into the harbor has been even more rapid. Where in eighteen hundred and thirty-five vessels at anchor floated at low water in six to ten fathoms of water, sand bars now exist covered only by six or seven feet of water at high tide.

4. The preservation of Provincetown Harbor from the existing dangers is absolutely necessary. A substantial permanent earth dike, of some five thousand feet in length, constructed across the creeks flowing into said harbor, extending from Stevens Point, near the western part of the settled portion of Provincetown, across House Point Island to some point southerly from Wood End Light House on Long Point, would be an effective remedy for the existing defects, — a safeguard against the breach of the “Point,” and a barrier to the further inroads of drifting sand through the creeks.

5. The foregoing facts are derived from oral and written evidence submitted at Provincetown to a committee of this legislature, which visited Provincetown Harbor and viewed the premises, and heard the parties upon whose representations of danger to the harbor the committee of this legislature acted.

6. To the end, therefore, that Provincetown Harbor may be protected from injury, and that appropriate protective works may be constructed in said harbor, the Commonwealth of Massachusetts, with this memorial, does most respectfully urge upon Congress the appropriation of a liberal sum of money sufficient to construct a substantial permanent dike across the western portion of Provincetown Harbor, as set forth in this memorial.

HARRIS C. HARTWELL,
President of the Senate.

WILLIAM E. BARRETT,
Speaker of the House of Representatives.

RESOLUTIONS RELATING TO THE ENACTMENT OF A FEDERAL BANKRUPT LAW.

Whereas, The best interests of commerce, between the citizens of this Commonwealth and other States, require that there should be uniform laws, throughout the Union, concerning the equitable settlement of the estates of bankrupt debtors ;

Enactment of a federal bankrupt law.

Whereas, Under the present system of conflicting State insolvency laws, since the last repeal of the federal legislation with regard to bankruptcy, there exist great inequalities, preferences and exemptions ; and

Whereas, It is desirable that the assets of bankrupt debtors should be marshalled and distributed equally among all the creditors of the various States under the supervision of one common assignee ; and that said debtors should be placed on an equal footing with regard to all their creditors ; and

Whereas, Congress is fully empowered under the Constitution of the United States to enact such general and uniform legislation, and to remedy the abuses and imperfections of former laws in this respect ; it is 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 consideration and early enactment of such federal legislation relating to bankruptcy as will further the objects heretofore stated.

Resolved, That a copy of these resolutions be transmitted to the Congress of the United States, and to each of our Senators and Representatives therein.

In House of Representatives, adopted April 8, 1889.

In Senate, adopted in concurrence, April 11, 1889.

RESOLUTIONS RELATIVE TO AN INTERNATIONAL CONVENTION IN RELATION TO OCEAN STEAMERS CROSSING THE GRAND BANKS.

Whereas, The fishermen of this Commonwealth are subject to serious danger and great loss of property and life from the fact that the path of the ocean steamers lies directly across the Grand Banks ; therefore

International convention in relation to ocean steamers crossing the Grand Banks.

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 immediate necessity of holding an international convention, which body shall legislate upon the subject, and agree upon laws which shall be binding upon all ocean steamers of the nations which have delegates in attendance at such convention, and which shall make it compulsory to pursue certain courses on all their passages in order to avoid the fishing banks frequented by fishermen.

Resolved, That a copy of these Resolutions be transmitted to the Senators and Representatives in Congress from this Commonwealth.

In Senate, adopted April 5, 1889.

In House of Representatives, adopted in concurrence, April 11, 1889.

RESOLUTIONS REQUESTING CONGRESS TO PASS A LAW GRANTING PENSIONS TO EVERY HONORABLY DISCHARGED UNION SOLDIER AND SAILOR WHO WAS CONFINED IN REBEL PRISONS.

Requesting passage of a law granting pensions to every soldier and sailor confined in rebel prisons.

Resolved, That the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, do most respectfully and earnestly urge upon the Congress of the United States the passage of a law whereby all honorably discharged Union soldiers and sailors of the late war, who were confined in rebel prisons, may have their names placed on the pension rolls of the United States, for not less than twelve dollars per month, and that they receive the sum of two dollars per day for the time they were so imprisoned.

Resolved, That copies of these resolutions be transmitted to the presiding officers of both houses of Congress, and to the Senators and Representatives in Congress from this Commonwealth.

In Senate, adopted April 11, 1889.

In House of Representatives, adopted in concurrence, April 15, 1889.

RESOLUTIONS TENDERING SYMPATHY TO SUFFERERS BY THE RECENT DISASTER AT JOHNSTOWN, PENNSYLVANIA.

Sympathy to sufferers at Johnstown, Pennsylvania.

Whereas, Massachusetts has received with deep regret the sad intelligence of the appalling disaster which has fallen upon her sister state Pennsylvania, — in the recent flood by which the borough of Johnstown and its vicinity has been so terribly devastated,

Resolved, That she hereby extends her sympathy and condolence to the citizens of that afflicted state, and especially to the bereaved and suffering residents surviving the terrors of the stricken valley. Sympathy to sufferers at Johnstown, Pennsylvania.

Resolved, That while it is beyond the constitutional power of the legislature to render aid from the public treasury, the citizens of this Commonwealth will in their private capacity sustain the prestige of Massachusetts for prompt and generous responses to public appeals for the relief of distress.

Resolved, That the secretary of the Commonwealth is hereby directed to transmit engrossed copies of these resolutions to the Governor of Pennsylvania and the municipal authorities of the borough of Johnstown, Pennsylvania.

In House of Representatives, adopted June 7, 1889.

In Senate, adopted in concurrence, June 7, 1889.

The General Court of 1889, during its annual session, passed four hundred and seventy-three Acts and one hundred and twelve Resolves, which received the approval of His Excellency the Governor.

The Resolve providing for an amendment to the Constitution, forbidding the manufacture and sale of intoxicating liquors as a beverage, agreed to by the General Court of 1888 in the manner provided by the Constitution, was also agreed to by the General Court of 1889.*

The General Court was prorogued on Friday the seventh day of June, the session having occupied one hundred and fifty-seven days.

* Rejected by the people April 22, 1889.

INAUGURAL ADDRESS
 OF
 HIS EXCELLENCY OLIVER AMES.

At twelve o'clock on Thursday, the third 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:*

Conforming to the usage of many years, I first submit for your consideration a statement of the financial condition of the Commonwealth, as it is shown by the reports from the several departments.

FINANCIAL STATEMENT.

Funded debt Jan. 1, 1889, \$28,351,619 65

SINKING FUNDS.

Amount of sinking funds Jan. 1, 1888,	\$26,313,670 09
Amount of sinking funds Jan. 1, 1889,	23,235,608 84
Decrease,	<u>\$3,078,061 25</u>
Actual expenses, 1887,	\$5,028,385 98
Actual expenses, 1888, so far as can be ascertained,	4,985,135 47

ESTIMATES FOR 1889.

Payments for all purposes,	\$5,930,606 16
Receipts, including cash on hand, but exclusive of direct State tax,	5,087,606 82
Deficit,	\$842,999 34

This reduction of the sinking funds is due to the payment of portions of the Troy and Greenfield Railroad loan, which matured on July 1, 1888, and Oct. 1, 1888.

Under the provisions of chapter 349 of the Acts of the year 1888 a loan of \$500,000 has been issued, payable in 1901, for the purchase of land for the extension of the State House, but no provision has been made for the funding of this loan. I think that you should make such provision.

We have reason to be gratified with the condition of our finances. I advise that you exercise great care in the making of appropriations, that we may, if possible, reduce the burdens of the people. Economy is not only expected of us, but is necessary.

During the year the Commonwealth will pay \$3,159,-351.80 of its debt, for which the sinking funds make ample provision.

SAVINGS BANKS.

In the savings banks and institutions for savings there were, in deposits, at the end of their fiscal year, the sum of \$315,185,070.57, an increase for the year of \$12,236,-446.49, the number of open accounts being 983,202.

In the interest of the depositors in these banks and institutions, I think the time has come when there should be a complete separation of their management from that of national banks. In many places it is convenient to have officers of one bank also officers of the other. While the opportunities for dishonest dealing thus afforded are seldom employed, they are a source of temptation to use the funds of one institution for the benefit of the other or for personal ends.

STATE AID.

In accordance with the provisions of chapter 34 of the Acts of the year 1884, the payment of State aid to invalid pensioners and their dependent relatives will cease

after the first day of January, 1890, unless you make provision for its continuance beyond that time. This aid has been rendered with great care and excellent judgment, and most of those whom it has reached are worthy objects of assistance. The legislation under which it is granted should be renewed, as there are still very many who are in necessitous circumstances, because of what they, or those upon whom they would naturally depend, did for this Commonwealth and for the country during the late war. I am sure that you will agree with me that Massachusetts has never been, and that she never will be, unmindful of those who have, directly or indirectly, rendered her valuable service.

CONSTITUTIONAL PROHIBITION.

You will be called upon to act on the resolve which was passed by the Legislature of last year, and which provides for an amendment to the Constitution forbidding the manufacture and sale of intoxicating liquors as a beverage. This matter is of the gravest importance, and you will deal with it having in mind its significance for all the people of the Commonwealth. Should you confirm the action of your predecessors in these halls, I suggest that you take such action that the resolve may be submitted to the people at an early date. A question of such magnitude ought to be submitted to the people at a time when they are not called upon to consider other public matters. Heretofore, nearly every important constitutional amendment has been voted on by the people at a special election held in the spring of the year.

Another reason for the early submission of the amendment to the people, should it be adopted by you, is, that if it is approved by the popular vote, you will probably still be here to enact such legislation as may appear to be necessary to give force and effect to its provisions. The early days of your session cannot be better employed than in consideration of this measure.

LIQUOR LAWS.

We are about to test the efficiency of a law that will materially limit the number of licenses which will be granted to sell intoxicating liquors to be used as a beverage. I have long been convinced that there should be

such a restriction where the sale of liquor is allowed, and I believe, also, that the penalty for violating the laws regulating such sale should be greatly increased, and that, as a rule, the penalty should be by imprisonment rather than by fine. It would be wise, in my opinion, to secure the imposition of such penalty, instead of a fine, so far as possible, without wholly abolishing the discretionary power of the court.

THE COURTS.

The transfer of equity and divorce jurisdiction to the Superior Court, and the increase of the number of justices in that court, have, it is believed, afforded such relief to the higher courts that they will be able to decide promptly all matters that will be brought before them. But it seems to me that the condition of the inferior courts, and the matter of costs in criminal proceedings in all the courts, demand careful consideration at your hands.

It is probable that about eight-tenths of the criminal business of the Commonwealth is done in these courts, and the costs which necessarily accrue are very large. These costs are now mainly cast upon the counties, and are one of the principal items of county expenditure. As under the provisions of the statutes governing such matters all fees taxed in favor of salaried officers are to be paid to the city or town from which such officers receive their salaries, here is plainly a considerable source of revenue to cities and large towns, in which nearly all crime is committed, at the expense of the counties and small towns.

I am informed that to-day there is the same lack of uniformity in the taxation of criminal costs as that to which the Attorney-General called attention in his official reports for the years 1880 and 1881.

The solicitude of the Commonwealth to protect the lives, liberty, and property of her citizens, to give them pure drugs and unadulterated food, to protect children and animals — even wild animals — from cruelty, to preserve our fish and game, has resulted in increasing the number of our statutory crimes, misdemeanors and offences over that of any other State. Our criminal expenses will be very large at best. Our care must be to place upon them all reasonable limitation. I commend to your consideration the suggestions of the Controller of County Accounts in relation to this matter.

SCHOOLS.

During the year the schools of the Commonwealth have been conducted with the usual gratifying results. For the education of nearly 360,000 persons more than \$7,000,000 were expended, high schools being maintained by ninety-five and three-tenths per cent. of the population. At the normal schools there is a larger attendance than ever before, and the demand for teachers educated in them exceeds the supply. The Normal Art School is doing important work in preparing teachers of industrial art.

I call your attention to the fact that in almost every town in the State there are truant children who are growing up in ignorance. Every town is required by the statutes to provide a place for the confinement, instruction and discipline of such children, but this the small towns are reluctant to do on account of the expense. Moreover, the small number of such persons in each town would render such action unnecessary, if each county would provide a common truant school for all its towns. There is a statutory provision that such a school shall be established if three or more towns petition the county commissioners for it; and towns do petition according to the provisions of the law, but the county commissioners decline to establish the schools. The result is that such towns have no proper means of obeying the truant laws, and there is a class of persons growing up in almost every community that is ignorant and, therefore, dangerous.

In the interest of economy, as well as in that of good morals, every county should have a good truant school to which those who now absent themselves from the schools already provided may be sent for proper training.

The act of last winter, by which aid was granted to the small towns for the employment of skilled superintendents, is meeting with favor. It did not take effect until the time for the annual town meetings had gone by, and thus many districts have not yet been organized under it. I am informed that a large number of towns will organize themselves into districts at their next annual meetings.

WOMAN SUFFRAGE.

Once more I earnestly recommend, as an act of simple justice, the enactment of a law securing municipal suffrage to women. Recent political events have confirmed the

opinion which I have long held, that if women have sufficient reason to vote, they will do so, and become an important factor in the settlement of great questions. If we can trust uneducated men to vote, we can with greater safety and far more propriety grant the same power to women, who, as a rule, are as well educated and quite as intelligent as men.

RAILROADS.

The means for securing the gradual abolition of grade crossings will probably be the most prominent and important subject for general legislation relating to railroads. The dangers attendant upon grade crossings are increasing every year, and the interruption to traffic in consequence of such crossings in the large cities is rapidly assuming serious proportions. Measures can and should be taken which will mitigate these evils. Very full information upon the subject will be laid before you in the report of the Board of Railroad Commissioners, and also in the report of a board of three civil engineers, appointed under the provisions of chapter 99 of the Resolves of last year, to make special investigation of this subject.

I recommend that you give to this matter your early and careful attention. The problem will be found to involve many considerations and conflicting interests, but it also involves the value of limbs and of lives. It will greatly redound to your credit if your legislation on this subject shall, while duly protecting all interests, prove to be effective in shortening the long account of loss of life, of suffering and of waste of time each year charged to our grade crossings.

PUBLIC HEALTH.

The statutes enacted by the Legislature from time to time for the protection of the public health appear to have been successfully enforced under the direction of the State Board.

The question of a system of drainage for the valley of the Mystic, which was referred by the Legislature of 1887 to the State Board of Health with directions to report to the Legislature of 1889, has, so far at least as the system to be adopted is concerned, been decided upon by that board, and no objections have thus far been urged against the plan itself.

How the large sums of money necessary for the construction of the sewer proposed are to be raised, and the manner in which the burden shall be apportioned among the interested municipalities, are very serious questions, which will engage the attention of the Legislature.

Inasmuch as one-sixth of the inhabitants of the State live in this district, and a much larger proportion are vitally affected by its sanitary conditions, the question becomes one of unusual importance.

PRISON LABOR.

The industries at the State Prison, where business is transacted on the "public account" system, are in a very satisfactory condition. All the prisoners, except those who are needed for the work of caring for the prison and grounds and in the culinary department, are employed in labor upon industries established in the workshops during the past year. Of the 536 inmates one year ago only 159 were employed in remunerative labor.

Under this system the discipline of the prison is much better maintained than it was under that of contracts, and the financial results will prove much more satisfactory. The condition of the other prisons and of the houses of correction has not materially changed.

The only difficulty in the practical working of the law governing prison labor is that of establishing industries. It is provided by section 5 of chapter 447 of the Acts of the year 1887 that "no new machinery to be propelled by other than hand or foot power shall be used in any institution." This provision prevents the maintenance of the varied and improved conditions of employment which the future advantage, if not the present well-being, of the prisoners would seem to require. The law should be so amended that the prisoners may have the advantage of employment with such improved machinery as the nature of the business in which they are engaged may demand. Thus they may become expert workmen, and be better prepared to maintain themselves and their families when they return to the world from which they have been secluded.

Satisfactory pecuniary returns are not to be expected from prison labor, but the "public account" plan gives to the prison officials more complete control of those who are committed to their charge, and, in this way, it is to the community a decided gain.

LUNACY AND CHARITY.

It will be seen by the report of the State Board of Lunacy and Charity that there has been a marked increase of insanity from year to year, and that the ratio of increase is relatively much larger than the increase of population. It will be further noticed that a large percentage of the patients are of foreign birth.

The development of this form of disease has become so great that it calls for thorough investigation, to discover, if possible, the inciting causes, and their proper preventives. The board, through the Inspector of Institutions, who has had an extended experience in the care of the insane, intends, during the year, with the co-operation of the superintendents of the State hospitals, to enter upon a systematic course of pathological inquiry, which, it is to be hoped, will be of value in arresting the present abnormal increase of this form of disease. As the inquiry will be carried on by salaried officers, regularly employed in the service of the State, there will be no call for other than the regular appropriations.

Laws were passed in 1885 and 1886, giving the State Board of Lunacy and Charity authority to board in families the chronic and harmless insane. These laws specified that the patients should be selected from the State hospitals and asylums. In the opinion of the Attorney-General the laws do not apply to a certain class of insane paupers in the State Almshouse, and under that opinion the State board has returned several patients to that institution.

The plan of boarding out the insane is still experimental, but its results thus far are hopeful; and with this relief to the hospitals, there will be no call at present for any great increase of hospital accommodations.

ARBITRATION.

The work of the State Board of Arbitration has been continued, with increasing benefit to employers and employees who have come within the scope of its action. Happily no extensive disturbance has occurred in the State, but the efficiency of the board has frequently been demonstrated, especially in settlements without formal hearing and adjudication. The steady improvement in the relations between capital and labor, which has been

apparent in our Commonwealth since the establishment of the board, is no doubt largely due to the wise policy pursued by the State in the treatment of labor questions, as well as to the intelligence and good sense of all our citizens.

DISTRICT POLICE.

The duties of the District Police Force have, within a comparatively short period, been largely increased by the enactment of laws relative to the employment of children, young persons or women in factories or workshops, and in relation to the condition of the rooms in which such persons are employed. These laws, bearing directly upon the comfort and health of a large part of the people, are being rigidly and impartially enforced, and with the best results.

The division of the District Police Force into two departments is a beneficial change. The laws for the protection of operatives, which they also administer, are cheerfully obeyed, and there is very little, if any, desire to evade their provisions.

COMMISSIONER OF HIGHWAYS.

The economic and proper construction and maintenance of suitable roads, streets and bridges throughout the Commonwealth is at all times of great interest to the public, and while every community is more or less dependent upon steam railroads for the carrying of passengers and freight, yet all such passengers and freight have to pass over the roads leading to and from the steam roads.

The knowledge and skill required to construct and maintain good roads and bridges in the most economic manner requires long experience combined with good judgment and a special knowledge of the relative value of available materials.

I therefore recommend the passage of a law authorizing the appointment of some suitable and skilful person who shall have a general advisory oversight of the roads and bridges of the cities, towns and counties of the Commonwealth, who may be freely consulted by the local authorities without charge, and who shall make an annual report to the Legislature relative to the roads and bridges in the Commonwealth, with such suggestions as from time to time shall tend to promote the public interest.

SURVEY OF LUMBER.

The survey and inspection of lumber by officers who are agents of the Commonwealth insures disinterested and impartial action in relation to the measurement and classification of the material that enters into the construction of all buildings. But the law under which this work is done requires revision. It was enacted, substantially, in 1856, and conditions are now so changed that the measure no longer is sufficient for the purpose for which it is designed.

The opinion of the Attorney-General in regard to this law has been stated as follows:—

From all the facts that I can ascertain concerning chapter 63 of the Public Statutes, which is the embodiment of said law, I am of the opinion that the time which has lapsed and the changes in the trade in regard to lumber, have rendered said laws, to a very great degree, inoperative, and that some material changes ought to be made. This law, as it now is, it would seem, cannot be strictly adhered to by the Surveyor-General. He can only act thereunder upon request made either by the purchaser or the seller, and in such case can only act according to the provisions thereof, having no discretionary power in the premises; and the change in manner of doing business in the lumber trade has rendered action according to said laws unnecessary, if not impossible.

LOBSTER FISHERIES.

One of the results of giving to the Commissioners on Inland Fisheries the services of a district police officer is, that for the first time in the history of this Commonwealth reliable statistics of the lobster fisheries have been obtained. In these fisheries 367 men are engaged, and their estimated catch during the last season was 1,740,850, averaging in weight only about one pound each, and having a value, at nine cents a pound, the common price, of \$156,676.50.

The lobster fisheries of Massachusetts are still an important industry, but there must be additional legislation for the protection of this valuable source of food supply or it will be exhausted and this industry will soon cease. Beyond the limits of Massachusetts, on the Atlantic coast, there is a close season during which lobsters cannot be taken. In order that our waters may be re-stocked, and

that lobsters may not be taken when unfit for food, there should also be a close season in this State.

I especially commend to your consideration that portion of the report of the Commissioners on Inland Fisheries which relates to this subject.

THE MILITIA.

The condition of the militia is very satisfactory, the personnel of the officers and men having materially improved. Attendance at the duty required by law has, during the year, been the largest in the history of the force, which is rendering the Commonwealth good service. The parade on the 3d of October last was a part of the regular tour of duty, and it was in every way successful, showing to the people, in a manner never before attempted, the efficiency and character of our citizen soldiery.

STATE HOUSE.

Acting under the authority conferred upon them by the Legislature of 1888, the Governor and Council are preparing for the enlargement of the State House. They have taken the estates in the rear of the present building, and the work of settling for them with their former owners is in satisfactory progress. They have also advertised for plans for the proposed additions. At an early day I shall make to you a detailed statement of the work of the Governor and Council in relation to this important matter.

CONSTITUTIONAL CENTENNIAL.

On the thirtieth day of next April the one hundredth anniversary of the inauguration of George Washington as President of the United States, under the Constitution, will be celebrated in New York by civic and military displays appropriate to such an event. As one of the original States of the Union, it is desirable that Massachusetts should be fitly represented, and I ask you to give early attention to this matter, as the time for making suitable preparation is limited.

I shall transmit to you certain papers, bearing upon this question, which are in my possession.

A NATIONAL EXPOSITION.

It is proposed that three years hence there shall be opened in the city of Washington a permanent exposition, in honor of the four hundredth anniversary of the discovery of this continent.

This project has not yet taken definite form, but it is so certain to be carried out that it will be well for you to take some action in relation to it.

At such an exposition Massachusetts should take a position of honorable prominence, and in order that she may do so, much preliminary work must be done. In you is vested the power to take the initiative.

Senators and Representatives :

I have spoken briefly on some of the topics which are likely to engage your attention as legislators. Let us bring to our public duties the same energy and diligence which we exercise in our private affairs. With a becoming pride in what Massachusetts is, and in what she has achieved in her institutions and her laws, let us take no backward step. Let us be conservative in all that we do in her behalf, knowing that we may further develop and improve the inheritance of her people. Our action must vitally affect the future well being of our beloved Commonwealth. May it be such that it will stimulate all within our borders to higher aims and nobler purposes.

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, January 7, 1889.]

Pardons.

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, with the advice of the Executive Council, during the year of my administration just closed. The number of prisoners thus released is forty-nine, of whom twenty-seven were in the State Prison, seventeen in Houses of Correction, three in the Massachusetts Reformatory, and one each in the Reformatory Prison for Women and the State Farm. Sickness was the controlling reason for the discharge of eight, three of whom have died.

OLIVER AMES.

No. 1. MYRON MORRIS. Convicted of larceny, Municipal Court, Boston, Sept. 9, 1887. Sentenced to House of Correction for six months. Pardoned Jan. 25, 1888. It appeared from the testimony of the arresting officer that there was some doubt as to the guilt of the prisoner. The judge who sentenced him said that, "from my recollection of the circumstances of the trial before me and from facts that have come to my knowledge since such trial, I recommend that a pardon be granted." Friends stood ready to send him to his home in Pittsburg, Pa., when released.

No. 2. JAMES CARDIGAN. Convicted of assault with intent to rob, Superior Court, Hampshire County, Jan. 1, 1885. Sentenced to four years in State Prison. Pardoned Jan. 26, 1888. Cardigan was convicted, with two others, of this crime. Through the efforts of friends, his

accomplices had been transferred to the Reformatory at Concord, and released on probation. It appeared that Cardigan was the least guilty of the three, and had sustained a better reputation for good character than either of the other two. The only evidence connecting him with the crime was furnished by one John Powers, who, by the testimony of the police and by numerous affidavits on file, seems to have been a thoroughly worthless, unreliable scamp. Cardigan had been a hard-working young fellow, and, until this charge was made against him, had not been arrested for any crime. His prison record had been good. He seemed earnest and sincere in his desire and determination to lead an honest, upright life. For these reasons a pardon was granted. Pardons.

No. 3. JAMES MORAN. Convicted of murder, second degree, Supreme Judicial Court, Aug. 3, 1874, Hampden County. Sentenced to State Prison for life. Pardoned Feb. 15, 1888. The victim of the crime was an inoffensive old man, who was assaulted by Moran and two companions in the woods, where his dead body was afterwards found. Moran was very drunk, and his companions greatly under the influence of intoxicating drink. All three were indicted for murder in the first degree. His companions were admitted as State's evidence, and testified that a slight assault was made by the three on the old man, and that they all passed on; that Moran turned back and renewed the assault, and inflicted the injuries which resulted in death. Moran, at the time and ever since, has affirmed entire ignorance of the assault, and of the events immediately preceding and following it; and that he is, and has been, unable to say whether he is guilty or innocent of the crime charged. Without the slightest knowledge of what he had done, he had no defence to oppose to the evidence against him, and the government readily accepted his plea of guilty of murder in the second degree. The proof of his guilt rested entirely upon the assertion of his companions, who were nearly related, and naturally inclined to shield themselves and each other from the consequences of their own participation in the assault. There were doubts as to the reliability of these companions. Moran had a wife and four children in Ireland, to join whom he left this country three days after he was released. The petition for his

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pardon was signed by high officials of the church, State, county and city, and was granted on consideration of the doubt raised as to his guilt, his good conduct in prison, the long time he had already been in prison (nearly fourteen years), and his proposed immediate departure for Ireland to live with his family.

No. 4. **GEORGE SULLIVAN.** Convicted of larceny, Superior Court, Suffolk County, June 16, 1886. Sentenced to the House of Correction for two years. Pardoned Feb. 16, 1888. Sullivan had but six weeks longer to serve. He was seriously ill with heart disease. The prison physician certified that he probably would not recover, but that his chances of recovery would be better if removed to his home.

No. 5. **CARTER BROWNS.** Convicted of breaking and entering, Superior Court, Suffolk County, Dec. 5, 1885. Sentenced to State Prison for eight years. Pardoned Feb. 21, 1888. Pardon was recommended by Hon. Roland G. Usher, ex-warden of the State Prison, Hon. Rufus S. Frost and others, on the ground that the sentence was severe; that he was in failing health, and because his parents in Germany, who were not aware that he was in prison, were very aged and ill, and anxious for his return, that they might settle their property and bestow on him his portion. His deportment had been perfect while in prison. He sailed for Germany on the 25th of February.

No. 6. **CHARLES L. RIDER.** Convicted of obtaining money under false pretences, Superior Court, Suffolk County, April 15, 1881. Sentenced to State Prison for ten years. Pardoned Feb. 22, 1888. The amount obtained was less than \$300. At the trial Rider pleaded guilty, and received what, in view of the circumstances, and in comparison with usual sentences, seems an unaccountably excessive sentence of ten years. This was his first offence; he had been in prison nearly seven years. The officer who arrested him strongly urged a pardon. Inasmuch, therefore, as nearly all the parties who were defrauded joined earnestly in the prayer for his pardon, it was granted.

No. 7. MICHAEL HENNESSEY. Convicted of being a ^{Pardons.} common drunkard, First District Court of Eastern Middlesex, Sept. 27, 1887. Sentenced to the Massachusetts Reformatory on an indeterminate sentence. Transferred to the State Farm. Pardoned Feb. 22, 1888, upon the recommendation of the mayor, probation officer and many prominent citizens of Malden, some of whom appeared personally and urged a pardon, on the ground that Hennessey had never been intoxicated to such an extent that he could be called a common drunkard, and that he had never been other than a perfectly harmless man. It appeared that the imprisonment already suffered was sufficient punishment for the offence committed, and that the good of the prisoner and the interest of the public would be furthered by the exercise of executive clemency.

No. 8. JOHN MCALEAR. Convicted of breaking and entering, Superior Court, Essex County, Oct. 6, 1884. Sentenced to State Prison for six years. Pardoned March 9, 1888. This was his first offence. The sentence seemed very long for the crime committed. The prisoner was confounded with another man of the same name, who was an old offender, and for that reason received a sentence much heavier than he otherwise would. He had served nearly three and one-half years.

No. 9. CHARLES REED. Convicted of rape, Superior Court, Bristol County, March 21, 1884. Sentenced to State Prison for ten years. Pardoned March 14, 1888, upon the recommendation of Hon. Morgan Rotch, mayor, Mr. Isaac B. Tompkins, chief of police at the time of the arrest, Hon. E. C. Milliken, and many other prominent citizens of New Bedford, together with a majority of the jury that tried him. The pardon was approved by District Attorney Knowlton, who certified that he considered this to be a proper case for executive clemency. Reed was a mere boy, under seventeen years of age, when the offence was committed. His associate in the crime, who was much the older, was tried at a previous term, and only convicted of an assault, sentenced to two years in the house of correction, and had long been at liberty. The girl was older than Reed, and not of the best character and reputation. His aged mother required his ser-

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vices. For these reasons, and because, in the opinion of the pardon committee, he had suffered enough for his participation in the crime, a pardon was granted.

No. 10. DANIEL CALLAHAN. Convicted of assault and battery, Superior Court, Essex County, May 18, 1887. Sentenced to State Prison for six years. Pardoned March 22, 1888, for the reason that, from the certificate of the prison physician, it appeared that the prisoner was fatally ill with scrofulous consumption, and that his death was likely to occur within a short time. The chief of police, who was the assaulted party, and the selectmen of Marblehead, recommended the pardon for the above reason. He died April 28.

No. 11. BENJAMIN W. FOSTER. Convicted of rape, Superior Court, Berkshire County, July 13, 1869. Sentenced to State Prison for life. Pardoned April 6, 1888, upon the recommendation of the parents of the girl who it was claimed was assaulted; of the sheriff and many of the leading citizens of Pittsfield, on the ground that the prisoner had already suffered a penalty commensurate with the crime for which he was convicted, and one that would exceed in extent what he would have received had the law been at that time the same as the statutes now provide; and upon the ground that he was in failing health; had become partially paralyzed, owing to an accident he had received in prison; and that the ends of justice will be as well served by his pardon and release as by longer confinement. His prison record had been good, and all things indicated that his release would be better for himself and the community. Considering all these circumstances, a pardon was granted.

No. 12. CHESTER L. TOWNE. Convicted of arson, Superior Court, Middlesex County, Nov. 7, 1887. Sentenced to the State Prison for fifteen years. Pardoned April 25, 1888. The wife of Towne, who was convicted at the same time and sentenced to five years' imprisonment, always insisted that she set the fire; that her husband had nothing to do about it, and had no knowledge of her intent to set it until after the crime was committed; that his only offence was assisting her in disposing of the plunder, which was her object in setting the fire. The

owner of the building (which was but slightly injured) was present at the hearing, and strongly urged a pardon. He testified that from his personal knowledge he was satisfied that the statement of the wife was true; that Towne did not set the fire and that he was merely a tool in the hands of another. The committee were of the opinion that, for the crime committed, the ends of justice had been fully served by the long term of imprisonment he had undergone.

No. 13. JOSEPH H. BARNABY. Convicted of assault, Superior Court, Suffolk County, October Term, 1885. Sentenced to State Prison for five years. Pardoned April 26, 1888. Barnaby and one G. R. McDougal were convicted of an assault on W. R. Marshall of Brighton. Barnaby always protested his innocence. McDougal, who had served his sentence, appeared before the pardon committee and testified under oath that he and one James McElvery (who disappeared at the time and whose whereabouts are unknown) committed the crime, and that Barnaby was not present and knew nothing about the assault. His testimony was corroborated by reliable witnesses. It also appeared that the defence was not properly conducted at the time of the trial. Evidence that was in defendant's favor was kept back by his attorneys, acting honestly but under mistaken impression as to its effect. Prominent citizens of Brighton testified to the prisoner's previous good character and his industrious habits. In view mainly as to the guilt of the prisoner, his previous good character and his exemplary conduct while in prison, a pardon was granted.

No. 14. JAMES MAHONEY. Convicted of being a common drunkard, Municipal Court, Charlestown District, Boston, March 20, 1888. Sentenced to the Reformatory on an indeterminate sentence. Pardoned May 1, 1888, upon the recommendation of the prison commissioners for the following reasons: Mahoney was an old man, having been born in 1815. He was committed to the Reformatory for the purpose of reformation. Having doubts about his reformability, the commissioners were of the opinion that the Reformatory was not a proper place for him. His niece, who lives in Charlestown, was ready to give her uncle — who was in comfortable circumstances — a home, and believed that she could restrain him from

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drinking. She said that her uncle had been thus addicted to intemperance only since the death of his wife. Chapter 49, Acts of 1888, which reads as follows: "No person shall be sentenced to imprisonment in the Massachusetts Reformatory who is above 40 years of age," became a law March 21, the day following Mahoney's conviction.

No. 15. JOHN McGRATH. Convicted of breaking and entering, Superior Court, Suffolk County, September Term, 1887. Sentenced to one year in the House of Correction. Pardoned May 2, 1888. It appeared that the applicant for pardon had never before been arrested for any offence, that he had been an industrious laboring man, providing for his wife, who was an invalid and dependent upon him for support, and that if released his former employer would give him immediate work, as stated in a letter on file. In view of these facts, and because the prisoner seemed to be sufficiently punished, a pardon was granted.

No. 16. JOHN FLAHERTY. Convicted of breaking and entering, Superior Court, Suffolk County, January Term, 1887. Sentenced to two and one-half years in the House of Correction. Pardoned May 2, 1888, upon the certificate of the prison physician that Flaherty was in an advanced stage of pulmonary consumption and could live but a short time. He died August 17.

No. 17. THOMAS F. DOLAND. Convicted of rape, Superior Court, Worcester County, Aug. 24, 1882. Sentenced to State Prison for seven years. Pardoned May 3, 1888. The alleged crime was committed at a picnic, while Doland was in an intoxicated condition. F. B. Spalter, trial justice, E. S. Wood, deputy sheriff, and Robert Callahan, chief of police of Winchendon, were all knowing to the facts, and stated that in their opinion the sentence was severe for the crime committed. The chief of police stated that he knew there never would have been a complaint made against Doland if it had not been for outside parties. He saw the girl enjoying herself with others after the assault was said to have been committed. His conduct while in prison had been perfect. Considering all these circumstances, and the fact that he had less

than two months to serve, and that immediate employ-^{Pardons.}ment was provided for him if released, a pardon was granted.

No. 18. **GEORGE H. CONNOR.** Convicted of adultery, Superior Court, Essex County, May 13, 1887. Sentenced to House of Correction for two years. Pardoned May 2, 1888, upon the recommendation of the mayor, chief of police, senator, city treasurer and many of the leading citizens of Lawrence. It appeared that Connor had lived in Lawrence for several years and had been engaged as an expressman, carrying on a good business. A short time prior to his arrest upon this charge he became addicted to the use of intoxicating liquors, and lost his property and business. Upon the first day of February, 1888, he was arrested upon this charge and pleaded guilty. His character previous to his arrest, with the exception of the time he was addicted to the use of liquor, was good, and he had the respect of the community as a hard-working man. The district attorney was satisfied that, should he leave liquor alone, he would be a respectable and law-abiding citizen. The petitioners were confident he would keep the pledge, which he had taken anew. Immediate employment was promised him.

No. 19. **GEORGE H. DUNBAR.** Convicted of arson, Superior Court, Norfolk County, Dec. 14, 1885. Sentenced to State Prison for six years. Pardoned May 9, 1888. Pardon was recommended by the district attorney who tried the case, and many of the leading citizens of Weymouth. The district attorney stated that there had been several large incendiary fires in Weymouth. "At the time it was thought that Dunbar had some connection with them; I think it was a mistake. The fires that he was shown to have been connected with were of buildings all vacant, and of little value. I believe there is a general feeling in the community where he has lived, and where the fires occurred, that he has already been sufficiently punished, and that it would be for the best public interest to grant him a conditional pardon; in that I concur."

No. 20. **JAMES CLARK.** Convicted of violating the license law, Superior Court, Essex County, Feb. 21,

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1888. Sentenced to the House of Correction for three months, and to pay a fine of \$75 and costs. Pardoned May 12, 1888. Leading citizens of Gloucester, one of the county commissioners and the sheriff of the county, all appeared in behalf of the prisoner, and testified as to his previous good character and sober, industrious habits. It appeared that the prisoner's conviction rested largely upon circumstantial evidence, some of which was of a rather doubtful character, and that there was much doubt of his guilt among a large and intelligent portion of the community. It further appeared that he had suffered much mental distress on account of his confinement, and that his release, under the circumstances, just before the expiration of his sentence, was likely to be of benefit to himself and no detriment to the community.

No. 21. THOMAS F. CALLAHAN. Convicted of murder, second degree, Supreme Judicial Court, Worcester County, Dec. 10, 1879. Sentenced to State Prison for life. Pardoned May 24, 1888. Callahan was indicted for murder for shooting one Daly, but a plea of murder in the second degree was accepted without a trial. At the hearing before the committee on pardons it was proven that the shooting was done while Callahan was under the influence of indignant rage and pain, caused by a brutal and unprovoked attack made upon him by one greatly his superior in strength, and it was made to appear probable that the pistol was in his possession solely for the purpose of defending himself against a threatened renewal of the assault by Daly. Leading citizens of his native town, Leicester, wrote in strong commendation and praise of his previous good character; those who had known him intimately in Worcester testified to his good habits and pleasant disposition; and the appearance of the young man and his prison record, as furnished by the warden, for more than eight years while in the prison, strengthened and confirmed these testimonials. The circumstances of intense provocation to the crime, the youth of the prisoner, his previous good conduct, his prison record and the hopeful and promising appearance of the prisoner, all united to make his case seem one in which executive clemency might be judiciously exercised.

No. 22. **GEORGE CASWELL.** Convicted of larceny, Superior Court, Essex County, May 26, 1887. Sentenced to the House of Correction for three years. Pardoned May 26, 1888, upon the recommendation of the district attorney and many prominent citizens of Lynn, including ex-Marshal Neil who prosecuted the case. Caswell's character previous to this affair had been above reproach. The district attorney certified that, "upon careful consideration of the whole case I am satisfied that, should a pardon be granted, the lesson that he has already received will prevent him from again attempting to do a dishonest act, for I do not believe he is criminally inclined, and under the circumstances it may be that if a pardon should be granted the ends of justice would be answered."

No. 23. **EDWARD J. KELLEY.** Convicted of assault and larceny, Superior Court, Middlesex County, Oct. 29, 1884. Sentenced to the House of Correction for four and one-half years. Pardoned June 7, 1888, upon the recommendation of the district attorney who prosecuted the case, who certified that Kelley pleaded guilty and was sentenced on two indictments, one for larceny and one for assault on an officer at the time of the arrest, on the latter for eighteen months. From the representations then made the district attorney supposed the assault was made with a pistol, but from statements since made by a witness of the assault he did not think it of a serious character, and if he had known at the trial what he has since learned he should not have asked for sentence upon the indictment for assault. He was of the opinion that the prisoner had been sufficiently punished, and that a pardon might have a salutary effect upon the young man himself.

No. 24. **ADOLPH BENDER.** Convicted of breaking and entering, Superior Court, Bristol County, June 14, 1886. Sentenced to State Prison for four years. Pardoned June 13, 1888. Bender was born in Germany, of a good family, and was well educated. He was employed in Brooklyn, N. Y., up to a short time before his arrest, in March, 1880. Through some domestic affliction he was drawn into dissipation, and thence to beggary and crime. In New Bedford he entered a house and stole silver to a considerable amount, and from there went to Newport, R. I., where he was arrested for entering a

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house. While in jail in Newport he told where the silver-ware stolen in New Bedford was concealed, and subsequently it was returned to the owner. He was sentenced for seven years to the Rhode Island State Prison. It was thought that the unusual severity of the sentence was owing to impressions made by the New Bedford robbery. Prominent citizens of Rhode Island, who have taken great interest in Bender, were satisfied that he had thoroughly reformed, and would become an honest man. His prison conduct was irreproachable. The district attorney certified that, "in all probability, if the crimes had been committed in Massachusetts, and he had been sentenced for them all at one time, the term of imprisonment would probably not be longer, counting deductions, than the time he has now served. For that reason only I should deem it a case proper for the exercise of executive clemency." For the above reasons, a pardon was granted.

No. 25. ALEXANDER WILLIAMS. Convicted of assault and battery, Superior Court, Bristol County, Sept. 14, 1887. Sentenced to the House of Correction for eighteen months. Pardoned June 22, 1888, upon the recommendation of the district attorney and prison physician. Williams was hopelessly ill with Bright's disease, and in the opinion of the prison physician would never recover.

No. 26. FRANCIS DOWD. Convicted of assault, Superior Court, Suffolk County, November Term, 1886. Sentenced to the House of Correction for two years. Pardoned June 30, 1888, upon the certificate of the prison physician that the prisoner was suffering from a bad form of chronic bronchitis, which at his advanced age, 65 years, was liable to prove fatal.

No. 27. THADDEUS PIPER. Convicted of an attempt to escape from the House of Correction, Berkshire County, and assault on an officer, Jan. 30, 1883, Superior Court, Berkshire County. Sentenced to State Prison for nine years. Pardoned July 11, 1888, upon the recommendation of the district attorney who tried the case, the sheriff of Berkshire County, the officer who was assaulted, and other leading citizens of Pittsfield, on the ground that the prisoner had already been sufficiently punished for the crime committed, and that the ends of justice had been served.

No. 28. JAMES CONLON. Convicted of larceny, ^{Pardons.} Municipal Court, Boston, June 22, 1887. Sentenced to the Reformatory on an indeterminate sentence. Pardoned July 12, 1888. The offence for which the prisoner was sentenced, as appeared by the report of an investigation made by the commissioners of prisons, was a very trifling one. There was some doubt as to whether it was an indictable offence. Conceding, however, that it was a criminal offence, it was one for which, it seemed to the pardon committee, a small fine would have been a sufficient punishment. Prison Commissioner Chaplin personally appeared and urged a pardon.

No. 29. HENRY *alias* HONORIE MARQUIS. Convicted of polygamy, Superior Court, Middlesex County, June 14, 1887. Sentenced to the House of Correction for eighteen months. Pardoned July 27, 1888. At the time of the marriage for which he was indicted he had obtained a divorce *nisi* from his former wife, and, as it appeared, he honestly believed that he had a right to marry. A short time after the second marriage the divorce was made absolute. The pardon committee were satisfied that the crime was committed solely by reason of his being misinformed, or not having correct knowledge of the facts of the situation.

No. 30. HALE L. KINGSLEY. Convicted of rape, Superior Court, Bristol County, Dec. 23, 1863. Sentenced to State Prison for life. Pardoned Aug. 2, 1888. The offence was committed more than twenty-five years ago, and the prisoner had been confined in prison for nearly a quarter of a century. The late district attorney, Hon. George Marston, the prosecuting officer in the case, wrote to the Governor, under date of May 21, 1873, that, in his opinion, "under the recent statute no one would be sentenced for the same offence for more than ten years, and that probably a much lighter sentence would be imposed."

No. 31. MARY BRITT. Convicted of larceny, Superior Court, Essex County, May 26, 1887. Sentenced to the Reformatory Prison for two years. Pardoned Sept. 12, 1888, upon the recommendation of the district attorney, the prison commissioners, the mayor and many of the

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leading citizens of Lynn, where the prisoner lived and where the crime was committed. The prisoner had borne a good character previous to the commission of this crime, and it was believed that she was thoroughly reformed, and that the ends of justice would be answered if she were released.

No. 32. RUDOLPH BRINCKERT. Convicted of receiving stolen goods, Superior Court, Suffolk County, January Term, 1888. Sentenced to House of Correction for one year. Pardoned Sept. 13, 1888. The prisoner was a boy sixteen years of age. The value of the property taken was two dollars and eighty-six cents. The prisoner was convicted jointly with another person. This was his first offence, but being without counsel, this fact was not called to the attention of the court, and he received the same sentence as his associate, who had been convicted of other offences. It appeared that his parents were good, honest people, and the pardon was recommended by the district attorney.

No. 33. JAMES A. DOUGLAS. Convicted of robbery, Superior Court, Suffolk County, September Term, 1884. Sentenced to State Prison for five years. Pardoned Sept. 27, 1888, upon the recommendation of Prison Commissioner Hooper, Dr. Sawin, prison physician, and Rev. Mr. Barnes, the chaplain. Douglas had but six weeks to serve. He had behaved in the most exemplary manner during his whole term, never having been punished; he had done most valuable work in the prison hospital; and, for these reasons, the prison officials urged his release.

No. 34. CHARLES S. CLIFFORD. Convicted of adultery, Superior Court, Worcester County, Feb. 8, 1887. Sentenced to the House of Correction for two and one-half years. Pardoned Oct. 17, 1888, upon the recommendation of the selectmen and of nearly all the prominent citizens of Oakham. The wife of the prisoner, both by letter and by personal appearance at the hearing, strongly urged a pardon on her own account, and for the benefit of their two young children. After a careful hearing of the case and of the circumstances connected with the crime, it seemed advisable, as the wife was willing to condone the

offence to herself, that as a matter of public policy and in the interest of good morals, a pardon should be granted to enable a re-establishment of the family relations and to secure a home for the children. Pardons.

No. 35. EMORY H. BARKER. Convicted of breaking and entering, Superior Court, Essex County, Oct. 26, 1887. Sentenced to State Prison for seven years. Pardoned Oct. 19, 1888, upon the certificate of the prison physician that the prisoner was in an advanced stage of pulmonary consumption, which was likely to prove fatal within a few months. He died in November.

No. 36. EUGENE L. SAUNDERS. Convicted of concealing mortgaged property and conspiracy, Superior Court, Suffolk County, March 4, 1887. Sentenced to the House of Correction for three years and two months. Pardoned Nov. 28, 1888, upon the recommendation of District-Attorney Stevens and ex-Chief-Inspector Hanscom. Saunders gave valuable information to the police, and was told that he should have such advantage from that information as could be fairly afforded him. Through some misunderstanding these facts were not brought to the attention of the judge at the time of sentence. The district attorney and Mr. Hanscom united in recommending a deduction of twelve months in his sentence. He was accordingly released November 28.

No. 37. THOMAS HERTY. Convicted of murder, second degree, Supreme Judicial Court, Middlesex County, April 16, 1872. Sentenced to the State Prison for life. Pardoned Nov. 29, 1888, as an act of executive clemency for Thanksgiving Day. The Attorney-General and district attorney who tried the case both recommended a pardon. They were of the opinion that the prisoner did not intend or contemplate any fatal consequences, and that manslaughter was the offence actually committed. The time, more than sixteen years, which the prisoner had been imprisoned, exceeded the sentence which he would have been likely to receive for that offence.

No. 38. CHARLES WITHAM. Convicted of breaking and entering and assault, Superior Court, Essex County, Feb. 2, 1877. Sentenced to the State Prison for life.

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Pardoned Nov. 29, 1888, as an act of executive clemency for Thanksgiving Day. This was Witham's first offence. He was induced to assist in its perpetration by two older and more hardened criminals than himself, both of whom escaped punishment. His conduct since his confinement has been in every respect exemplary. He had been diligent and faithful in his employment, and it was believed that the punishment suffered had been ample, and that he would become a good citizen and a useful member of the community.

No. 39. FRANK W. FOSTER. Convicted of embezzlement, Superior Court, Franklin County, April 2, 1887. Sentenced to the House of Correction for five years. Pardoned Nov. 29, 1888, for the reasons: that it was requested by the town that had been wronged; that restitution had been made; that his health was rapidly failing; and that his past life had been exemplary and above reproach.

No. 40. MARGARET CARR. Convicted of violating the license law, Superior Court, Middlesex County, Nov. 26, 1888. Sentenced to pay a fine of \$50 and costs. Pardoned Dec. 5, 1888, upon the recommendation of District-Attorney W. B. Stevens and E. J. Noyes, chief of police of Lowell, on the ground that the prisoner was the mother of a large family of children of tender years, and that she was unable to pay the fine.

No. 41. WILLIAM BAXTER, *alias* GEORGE MANNING. Convicted of obtaining goods under false pretences, Superior Court, Suffolk County, July Term, 1885. Sentenced to State Prison for four years. Pardoned Dec. 14, 1888. Baxter's sentence would have expired on the second day of January, 1889. Dr. Rufus K. Noyes, 50 Chambers Street, Boston, certified that "Baxter's oldest child, aged nine years, was seriously ill with scarlet fever, and owing to his ungratified longing to see his father his convalescence was retarded." The day before the pardon was granted, a second child was attacked by the same disease. As Baxter had less than three weeks to serve, he was pardoned for humanity's sake. This was his first offence, and the district attorney recommended granting the petition.

No. 42. WALTER KIRBY. Convicted of breaking and entering and larceny, Superior Court, Bristol County, June 16, 1887. Sentenced to the House of Correction for four years. Pardoned Dec. 19, 1888, on the ground of the probable fatal illness of the prisoner. Pardons.

No. 43. WILLIAM E. PHALAN. Convicted of manslaughter, Superior Court, Middlesex County, Nov. 9, 1886. Sentenced to State Prison for seven years. Pardoned Dec. 26, 1888. The offence of which the prisoner was convicted was committed in a moment of excitement and passion, while he was under the influence of liquor. He had been a trusted, reliable and honorable young man previous to this, his only offence. The district attorney in his report stated, "I doubt if he fully realized what he was doing; at any rate, I do not believe he intended the blow should be fatal." The pardon was recommended by many of the leading citizens of Cambridge and vicinity and by ex-Prison-Commissioner Fay, who personally appeared and urged his release. His prison record had been perfect. He seemed earnest, and determined to lead a sober and upright life. For these reasons a pardon was granted.

No. 44. MARTIN SULLIVAN. Convicted of robbery with force, Superior Court, Norfolk County, April 22, 1861. Sentenced to State Prison for life. Pardoned Dec. 26, 1888, for the reason that he had been in prison more than twenty-seven years. His relatives gave assurance that if released his future support would be provided for. The punishment already suffered seems to have been a sufficient expiation of the offence.

No. 45. EDWARD J. MORAN. Convicted of manslaughter, Supreme Judicial Court, Hampden County, Dec. 14, 1885. Sentenced to State Prison for fifteen years. Pardoned Dec. 28, 1888. The prisoner was an old man, suffering from chronic disease of brain and spinal cord, and in the opinion of the prison physician would never recover. He had a brother and sister who were willing and anxious to care for him during the remainder of his days.

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No. 46. DANIEL FRIEL. Convicted of murder, second degree, Supreme Judicial Court, Suffolk County, Feb. 24, 1875. Sentenced to State Prison for life. Pardoned Jan. 1, 1889. It appeared that the prisoner and one Smith, strangers to each other, were put into a cell together while both were in an intoxicated condition, that a quarrel arose, and injuries were inflicted on Smith, as a result of which he died three days afterwards. The prisoner was unarmed and no weapon was used. In a report made to the Governor by the Attorney-General in 1880, that officer said: "While the verdict of murder in the second degree can be justified on the facts appearing as their logical and legal result, I think a fair and somewhat merciful judgment on these facts would call for a verdict of manslaughter. The case is such a one as, in my judgment, to entitle the prisoner to a pardon at some time. I think that the execution of a life sentence upon a man of the age of Friel, for such a homicide, would be too severe." For these reasons and in consideration of the fact that the prisoner had already served over thirteen years, a longer period than he probably would have served if the verdict had been for manslaughter, and upon the petition of a large number of citizens of high standing, who were conversant with the facts in the case, a pardon was granted.

No. 47. WILLIAM BROCK MINKLER. Convicted of murder, second degree, Supreme Judicial Court, Bristol County, Nov. 19, 1878. Sentenced to State Prison for life. Pardoned Jan. 1, 1889. It appeared, after a very careful investigation of the case, that the prisoner was a young man, small in stature and feeble in health, while the man who was assaulted was a large and powerful man; that there was a general scuffle, during which the killing took place; that there was evidence tending to show that the act was committed in self-defence; and that, had the case been tried, the verdict would have been manslaughter, and the sentence imposed not longer than the time already served by the prisoner.

No. 48. COLEMAN SMITH. Convicted of assault and robbery, Superior Court, Suffolk County, May Term, 1886. Sentenced to State Prison for four years. Pardoned Jan. 1, 1889. The committee recommended that

a pardon be granted, for the reason that they doubted Smith's guilt, and that his release was favored by Hon. Oliver Stevens, district attorney, who prosecuted the case, and by Hon. Albert T. Whiting, chairman of the Boston Board of Police, who knew the circumstances of the crime of which Smith was convicted, and believed him to be innocent. Pardons.

No. 49. MICHAEL C. HAYES. Convicted of larceny, Superior Court, Suffolk County, Nov. 27, 1888. Sentenced to the Reformatory on an indeterminate sentence. Pardoned Jan. 2, 1889, on the ground of the delicate health of the prisoner, all of whose family had died of consumption, and the ill health of his wife and child who needed his support. It appeared that the prisoner had made full restitution, and there was evidence tending to show that his offence was more an error of judgment than an attempt to commit crime.

[To the Senate and House of Representatives, January 30, 1889.]

In my inaugural address I had the honor to inform the Legislature that certain lands mentioned in chapter 349 of the Acts of the year 1888 had been taken by the Governor and Council, acting under the provisions of that act, in the name of the Commonwealth, and that the claims of the former owners for the value of their property so taken were in process of settlement. Payment for
lands taken for
the better
accommodation
of the state
government,
and plans for
building
thereon.

Agreements have been made with parties in interest to the amount of \$371,000. There still remain claims against the Commonwealth to an amount not exceeding \$265,000. By the act of 1888 the sum of \$500,000 was appropriated for the purpose of making the purchases for which it provided. There will be required, to fully carry out its terms, an additional appropriation of \$136,000. I recommend that such appropriation be made.

I renew my suggestion that the debt already incurred and to be incurred for this purpose be funded, and I recommend that a sinking fund be created for the payment of bonds issued on this account. Into this fund there should be paid the premium on the bonds sold, any unexpended balance of funds appropriated for the payment and satisfaction of claims incurred by the taking of these lands, and the net rentals of all lands so taken. I also recommend that the Governor and Council be authorized and

empowered to appoint an agent to take charge of the property acquired under said act, until such time as the Commonwealth may desire to occupy the same for its own purposes.

By chapter 92 of the Resolves of the year 1888 the sum of \$5,000 was appropriated, "to be expended under the direction of the Governor and Council, to enable them to devise and report to the General Court in the month of January in the year eighteen hundred and eighty-nine a general plan for the use, occupation and improvement of any lands acquired or taken for State purposes, including therein the present State House grounds, and for the alteration or enlargement of any existing buildings, or the erection of any new buildings thereon."

Acting under the terms of this resolve, the Governor and Council invited architects, by public advertisement, to present competing sketches of plans, and offered the following-named prizes: for the best sketch, \$1,500; for the sketch second in merit, \$1,200; for the sketch third in merit, \$900. In response to this invitation, thirteen plans, or sketches of plans, were presented. That the Governor and Council might more intelligently pass upon the merits of these designs, Messrs. Carl Fehmer and Frank W. Chandler, architects of established reputation, were employed to aid them in their consideration of the sketches and in their award of prizes.

After a careful study of the respective merits of each design, with a due regard to the convenient arrangement of the rooms for the several departments, economy of space, facilities for light and air, and conformity of the architecture of the exterior to that of the present building, unanimous choice was made of the plan presented by Messrs. Brigham & Spofford of Boston, as that which was entitled to the highest prize. The second prize was awarded to Mr. John L. Faxon of Boston, and the third prize to Mr. Henry S. McKay of Boston.

The Governor and Council present the plan of Messrs. Brigham & Spofford to the Legislature, and recommend its adoption, as a general plan for the purposes mentioned in the resolve. In their opinion, however, some modifications will be advisable.

I transmit to you with this a copy of the order adopted in Council in relation to this matter.

[To the Senate and House of Representatives, April 10, 1889.]

In compliance with the terms of chapter 38 of the Resolves of the present year, I submit to you herewith a "substantially perfected plan . . . for the better accommodation of the State government; and also reliable estimates of the cost of construction according to the plan so reported." This revised plan is presented with the approval of the Governor and Council and the committee on State House of your bodies, as the result of their labors, and of those of the architects and consulting architects.

Plan for the better accommodation of the state government, and estimates of the cost of construction.

It retains the best features of the admirably arranged department building of the original Brigham & Spofford plan, and includes valuable suggestions made by the expert architects who assisted in awarding the prizes relating to important monumental interior features and to general external treatment. The principal aim has been to design the additions in the classic spirit that animated the renowned Bulfinch, the architect of the present structure, which has always been so much admired for its dignified and beautiful style; to do as he might have done had he been called upon to enlarge the building; and to design the new portions in perfect harmony with the existing structure, so that the whole, when completed, will present a consistent and artistic group. Many modifications and improvements, suggested by the committee on State House, are also embodied in this plan.

No attempt at any unnecessary or uncalled-for architectural display is made, and the present gilded dome, the familiar landmark and pride of so many of us, will still be the only dominating feature of the group.

Experienced and reliable builders place the cost of construction at \$2,400,000 to \$2,500,000.

I transmit with this also a detailed statement of the architects in relation to the proposed building.

[To the Senate and House of Representatives, June 5, 1889.]

Several matters pertaining to the Southern Vermont Railroad and the Troy and Greenfield Railroad and Hoosac Tunnel are in controversy between the Commonwealth and the Fitchburg and Troy and Boston railroad companies. Suits are pending for the recovery of the rental of the Southern Vermont Railroad for several years, in answer to which the Troy and Boston Railroad Company sets up

Recommending sale of Southern Vermont Railroad to the Fitchburg Railroad Company, and settlement of claims.

certain alleged agreements on the part of the Commonwealth. The accounts for the operation of the Troy and Greenfield Railroad and the Hoosac Tunnel for several years are unsettled and in dispute, and the Fitchburg Railroad Company claims an allowance on account of the unsafe condition of the bridges on the Troy and Greenfield Railroad at the time of the consolidation.

The Fitchburg Railroad Company desires to enter into negotiations with the Commonwealth with a view of settling all pending controversies, and I am of the opinion that it would be advisable to adjust the same without long-continued and expensive litigation in the courts.

By the provisions of chapter 297 of the Acts of the year 1885, by virtue of which the Troy and Greenfield Railroad and Hoosac Tunnel has been consolidated with the Fitchburg Railroad Company, it was provided that the said consolidated corporation might unite with a line or lines of railroad extending to the Hudson River, and that the Governor and Council might, concurrently with such union, sell to or unite with such consolidated corporation the Southern Vermont Railroad. As no sale or union of the Southern Vermont Railroad was made, it is at least doubtful whether the Governor and Council have authority at present to make the same. The Fitchburg Railroad Company desires to acquire the ownership of the Southern Vermont Railroad.

I therefore refer the matter to the Legislature, with the recommendation that the Governor and Council be authorized to sell and convey the Southern Vermont Railroad to the Fitchburg Railroad Company, upon such terms as may seem just and proper; and may be further authorized to compromise and settle all claims and matters in controversy between the Commonwealth and the Fitchburg and the Troy and Boston railroad companies, or either of them.

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.
1888.			
Jan. 2,	Annie Maria Cecelia Brady,	Annie Maria Cecelia Williams,	Boston.
9,	Cora Rebecca Green,*	Cora Rebecca Goodwin,	Boston.
9,	Josephine Moffett,*	Mildred Van Schoick,	Boston.
9,	Grace C. Currier,*	Grace Adell Homer,	Boston.
16,	Percy Clifton Greenlaw,	Percy Clifton Eaton,	Boston.
16,	Frank P. Weston,*	Frank Preissler,	Philadelphia, Pa.
Feb. 6,	Joseph Lowncy,*	Joseph Edward Corbett,	Boston.
13,	Florence Waters,*	Grace Lillian Gilmore,	Boston.
13,	Seddie Deloria,*	Burt Orlando Gilman,	Boston.
13,	Vincenzo Patrizio,*	Vincenzo Argenzio,	Boston.
13,	Sarah E. Rowland,*	Esther Olive Spencer,	Boston.
27,	Josiah Edson,*	Charles Winckley Cole,	Brookline.
27,	Eva James Chisholm,*	Eva Elinor Quint,	Boston.
27,	John Joseph Kelley,*	Louis Barr Hicks,	Boston.
Mar. 5,	Lizzie Stevenson,*	Bertha Larcom Tay,	Tewksbury.
5,	Martin McNulty,*	Charles Washington Birch,	Natick.
5,	Lulu Florence Smith,	Lulu Florence Cunio,	Boston.
5,	Douglas B. Rieder,*	Douglas Bennett Turner,	Springfield.
12,	Philip Martin,*	Albert Francis Woodward,	Boston.
12,	Lizzie Sherman,*	Lizzie Hickman,	Boston.
12,	Lulu Parthow White,*	Lulu Frances Rounds,	Woburn.
19,	Annie Frazier,*	Annie Frances Charlton,	Nova Scotia.
19,	Henry Frazier,*	Henry William Norton,	—
26,	William Galloway,	William Lincoln Galloway,	Boston.
26,	Alice Finley,*	Dorothy Lydia Eaton,	Boston.
April 2,	Ethel Louise Baker,*	Ethel Mildred Wheeler,	Boston.
2,	Eleanor Brown,*	Eleanor Joslin,	Boston.
9,	Alfred Bean,	Alfred Cobb Bean,	Boston.
9,	Harry Chapman,*	Ralph Southwick Nealy,	Boston.
9,	Mary Ann Hathaway,	Mary Ann Prindle,	—
9,	David Quinn,*	Josiah Quinn,	Boston.
16,	Mary Ann Martin,*	Annie Bohan,	Boston.
16,	Fred Almon Brackett,*	Fred Almon Pushee,	Boston.
16,	Minnie Derward,*	Minnie Lottie Franklin,	Boston.
30,	Leonidas Maurice Griffin,*	Leonidas Maurice Palmer,	Boston.
30,	Fannie Levi,*	Fannie Barry,	Boston.

* Changed by reason of adoption.

SUFFOLK COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1888.			
May 7,	George Hugo Burgholzer,	George Burgholzer Hugo,	—
7,	Mildred Virginia Hughes,*	Mildred Virginia Caldwell,	Chelsea.
14,	Gertrude M. Geppel,*	Gertrude May Forsyth,	Chelsea.
14,	Frederick Brandforth,*	Frederick Brandforth Con-	
		nolly,	Boston.
21,	Loise Read Patten,*	Loise Read Babson,	Boston.
21,	Catherine Mary Murray,*	Catherine Mary Hale,	Boston.
28,	George Morton,*	George Carlos French,	Boston.
June 4,	Benjamin B. Murray,*	William Benjamin Boyden,	Boston.
4,	Eva Elliott Leline,*	Bessie Torrey,	Boston.
11,	William John Butler,*	Willie J. Blake,	Boston.
18,	Ida Campbell,*	Mary Ann Bishop,	Boston.
23,	Charles Henry Moses,	Charles Henry Moseley,	Boston.
25,	Alice Christina Brown,*	Alice Christina Stenman,	Boston.
25,	Ralph Francis Handy,*	Ralph Francis Rogers,	New Bedford.
July 2,	Mary Ann Burns,*	Mary Ann Lynch,	Boston.
2,	William Lawrence Tucker,	Lawrence Tucker,	Boston.
9,	John William Busby,*	Ernest Chester Baker,	Boston.
30,	Burpee Earnest Piper,	Earnest Burpee Raymond,	Boston.
30,	Gustave Joseph Blank,	Edgar Theodore Thurlow,	Boston.
30,	William Morris Austin Peters,	Morris Austin Peters,	Boston.
Aug. 20,	Ella May Townsend,*	May Ella Vilas,	Boston.
Sept. 4,	Henry Felton,*	Henry Felton Ames,	Boston.
4,	Florence Agnes Murray,*	Florence Wendom Van Deusen,	Boston.
4,	Mabel Young,*	Mabel Louise Towle,	Boston.
10,	Lillian Marr Canney,*	Lillian Marr Safford,	Boston.
10,	Charles Henry Eltz,*	Charles Eltz Heath,	Boston.
10,	Eliza Somerby Prince,	Lillian Prince,	Boston.
17,	Susie Ann Smith,*	Margaret Pfaff,	Boston.
24,	Sarah Helen White,*	Annie Laura Spinney,	Chelsea.
Oct. 8,	John O'Beirne,	John Barnes,	Boston.
15,	David Harry Kayes,*	David Harry Price,	Boston.
15,	Kate Prentice,	Kate Annette Hever,	Boston.
22,	Florence Clement,*	Florence Howard Morse,	Boston.
Nov. 5,	Ebenezer J. Foster,*	Ebenezer J. Foster Eddy,	Boston.
5,	James Mack,*	James Arthur Dixon,	Boston.
5,	William Tufts Rankine,*	William Tufts,	Boston.
12,	Fred Humphrey Plumb,	Fred Humphrey,	Boston.
12,	Lizzie C. Baker,	Beth Baker,	Boston.
19,	Alfred Evans Worthley,	Fred Evans Worthley,	Boston.
26,	John Coffin Jones,	John Sumner,	Boston.
26,	Austin Sumner Jones,	Austin Sumner,	Boston.
26,	Marguerita Jones,	Marguerita Sumner,	Boston.
26,	Ella Maria Jones,	Ella Maria Sumner,	Boston.
26,	John James Hooper,	George Hooper Merrill,	Boston.
Dec. 3,	Ida Helen Slack,	Ida Helen Stebbins,	Chelsea.
3,	Roland S. Slack,	Roland Stewart Stebbins,	Chelsea.
10,	Harry Osgood,*	Harry Hatch,	Boston.
10,	Elsie Leown Duncan,*	Elsie Leown Coffin,	Boston.
17,	Herbert Eustice Cochrane,*	George Norman Riblet,	Newton.
17,	John Francis McCaughey,*	William Chester Sheldon,	Boston.
17,	Mabel Engley,*	Grace Edna Hainscom,	Hopkinton.
24,	Jannario Soares de Figueiredo,	James Fred Sears,	Boston.
31,	Ada Souther Tarbell Jennings,*	Ada Souther Tarbell,	Boston.
31,	Bessie P. Sullivan,	Bessie P. Scates,	Boston.
31,	Emelie Katharina Gutberlet,*	Emelie Katharina Israel,	—
31,	Eugenia Redman Highriter,*	Eugenia Redman Highriter	
		Jacobs,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

1313

ESSEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
Jan. 2,	Ralph Putnam Cook,* . . .	Ralph Cook Putnam. . .	Danvers.
2,	Clementina Glover,* . . .	Maybell Victoria Bowman, . .	_____.
2,	Florence Martin, formerly Mora Colt,* . . .	Betsey Jane Pike, . . .	Needham.
16,	Mabel Estella Hood,* . . .	Mabel Estella Rogers, . . .	Ipswich.
Feb. 6,	Norman Edward Dunn, . . .	Norman Edwara Crosby, . . .	Beverly.
20,	Lottie Bushie,* . . .	Dora Pearl Barter, . . .	New York, N. Y.
Mar. 5,	Oscar W. Clark,† . . .	Oscar Watson Frost, . . .	Wenham.
5,	William H. Fitzgerald, . . .	William Henry Buckley, . . .	Bradford.
19,	Mary E. McGovern,* . . .	Mary Ellen Montgomery, . . .	Newton.
26,	Cassie McDougall,* . . .	Eva Maud Gregware, . . .	Salem.
April 2,	Angela M. Cook,* . . .	Angela May Gardner, . . .	Danvers.
23,	Catherine Brennan,* . . .	Sarah Frances Hineks, . . .	Lynn.
May 21,	John F. Ryan, . . .	John Franklin Watts, . . .	Lynn.
June 4,	Mona Bell,* . . .	Mona Bell Welch, . . .	_____.
4,	Margaret E. King,* . . .	Bertha Evangeline Shaw, . . .	Boston.
25,	Isabelle M. Sagar,* . . .	Isabelle Maud Furber, . . .	Lynn.
July 2,	Jones Collins, . . .	John Perley, . . .	Lynn.
Aug. 6,	James Kelly, otherwise known as James Goodman,* . . .	James Coughlin, . . .	Haverhill.
6,	Rose Orskowsky,* . . .	Shirlie McKenney, . . .	Boston.
Oct. 1,	Grace E. Locke,* . . .	Grace Etta Douglass, . . .	Burnhamville, Minn.
8,	Alfred O. Rodien, . . .	Alfred Levi Wright, . . .	Haverhill.
8,	— McSwain,* . . .	Charles Edward Sargent, . . .	Haverhill.
Nov. 5,	Ernest W. Smith,* . . .	Ernest Walter Rowe, . . .	Gloucester.
19,	Charles A. Anderson, . . .	Charles Augustus Cederberg, . .	Gloucester.
Dec. 17,	Mark L. Koviensky, . . .	Mark Lewis, . . .	Haverhill.

MIDDLESEX COUNTY.

Jan. 3,	Ormsby Albert Macready, . . .	Ormsby Albert Court, . . .	Lowell.
3,	Lilla Blanche Macready, . . .	Lilla Blanche Court, . . .	Lowell.
3,	John Sewall Pratt, . . .	John Sewall Pratt Alcott, . . .	Concord.
3,	Alice McDonald,* . . .	Marie Grey Hilton, . . .	Boston.
10,	John William Cummings, . . .	John Addison Cummings, . . .	Somerville.
17,	Helen Maria Hopkins, . . .	Helen Maria Brown, . . .	Lowell.
17,	Frances Charlotte Armstrong, . . .	Frances Charlotte Allen, . . .	Lowell.
Feb. 7,	William Albert Smith, . . .	William Albert Cutter, . . .	Wakefield.
7,	Algernon Finn,* . . .	Frederic Ray Jewett, . . .	Groton.
7,	Emily Jane Leekley,* . . .	Mary Maria Ayers, . . .	Cambridge.
14,	Ida Rachkowsky, . . .	Ida Harris, . . .	Lowell.
14,	Joseph Rachkowsky, . . .	Joseph Harris, . . .	Lowell.
14,	Mary Amelia Horibin,* . . .	Mary Amelia Sanderson, . . .	Lowell.
Mar. 6,	Victoria Ludlow,* . . .	Alice Crawford Marshall, . . .	Malden.
6,	Ralph Enderly,* . . .	Ralph William Eldridge, . . .	Weston.
6,	George Emery,* . . .	Walter Edward Doughty, . . .	Boston.
13,	Irene Virginia McKean,* . . .	Irene Virginia Merritt, . . .	Boston.
13,	Vida Luella Wood,* . . .	Vida Lawrence Patch, . . .	Pepperell.
20,	Walter Ray,* . . .	Fordyce Raymond Moores, . . .	Marlborough.
27,	Joseph Horn, . . .	Joseph Weissbach, . . .	Somerville.
27,	Harry Stanley Whiting,* . . .	Harry Augustus Newton, . . .	Boston.
April 3,	Edwin Burke,* . . .	James Edwin Bartlett, . . .	Attleborough.
3,	Jennie Crowe,* . . .	Mary Greeley, . . .	Lexington.

* Changed by reason of adoption.

† May 2, 1874, Oscar W. Clark's name changed from Oscar Watson.

MIDDLESEX COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
April 10,	Lottie McAnley,*	Lottie Winsor Tufts, . . .	Boston.
10,	Arthur Watts Taylor,* . . .	Arthur Hartwell Douglass, . .	Boston.
May 1,	Henry Corbin,*	William James Drewett, . . .	Ayer.
1,	William Albert Howard,* . . .	William Albert Howard West,	Boston.
15,	Ina Kennedy,*	Lizzie Maude Coates,	Lowell.
22,	Maude Hutchins,*	Maude Hazelton Russell, . . .	Boston.
June 5,	Nancy Maria Poor,	Nina Maria Poor,	Somerville.
5,	Frances Isabella Miller, . . .	Isabella Proctor Miller, . . .	Newton.
12,	Harriot Rust Millett,*	Harriot Burnett Newhall, . . .	Newton.
26,	Harold Caverly Daly,	Harold Caverly,	Lowell.
July 3,	Inez Gray,*	Annie Green,	Malden.
10,	Elizabeth Langdon,*	Elizabeth Smith,	Lowell.
17,	Willard Edward Slater,*	Willard Edward Frazier,	Lowell.
17,	Harriet E. Häbel,*	Hattie Elizabeth King,	Boston.
24,	Amy Palmer Morton,*	Amy Palmer Bacon,	Boston.
24,	Mary Buchanan,*	Margaret Edna Higley,	Westborough.
Sept. 4,	Irene Marie Damon,*	Irene Damon Mansir,	Somerville.
11,	Lizzie Ellen Sherwood,*	Lizzie Ellen Morris,	Maynard.
11,	Catherine Frances Magdelene Conboy,*	Catherine Frances Magdelene Rourke,	Boston.
Oct. 9,	Clara Lillian Goodhue,*	Clara Lillian Carey,	Boston.
9,	Edith Hamilton,*	Grace Arlene Hedge,	Wakefield.
Nov. 7,	Alice M. Fancher,*	Alice M. Pushee,	Somerville.
7,	Grace Louise Boggs,*	Grace Louise Hodgkins,	Springfield.
7,	Samuel Wallace,*	Percy Wallace Higgins,	Weston.
7,	Lizzie Mitchell,*	Ethel May Wyman,	Newport, Me.
20,	Irene E. Butt,*	Marion Hopkins Farrar,	Boston.
20,	Willie Nugent,*	Frederick Charles Rohrer, . . .	Boston.
27,	George Bell Kenrick,*	George Bell Kenrick Alexan- der,	Belmont.
27,	Clarence Kennedy,*	Clifford Henry Jacobs,	Stoneham.
Dec. 4,	Alice G. McGivney,*	Alice Gertrude McKinney, . . .	Randolph.
26,	Joseph E. Erwin,*	Erving Garfield Hartwell, . . .	Littleton.
26,	Flora Belle Pullen,*	Flora Belle Cooley,	Centerville, R. I.
26,	Gertrude Meriam Hartshorne,* . .	Gertrude Josephine Steward, . .	Boston.
26,	Freeman Smith,*	Freeman Davis Jennison, . . .	Lincoln.

WORCESTER COUNTY.

Jan. 17,	Hattie Maria Hendrick,*	Hattie Maria Wright,	Worcester
Feb. 21,	May Elizabeth Burrage,*	Miriam Frances Elizabeth Smith,	Petersham.
Mar. 6,	May E. Russell,*	Mabel Lillian Woodis,	Boston.
6,	Margaret Ahearn,*	Margaret McGrath,	Worcester.
27,	Anna Maud Smith,*	Anna Maud McMullen,	Fitchburg.
27,	George Wallace Houghton,*	Wallace Houghton Terrell, . . .	Fitchburg.
April 10,	Charles Phelps,*	George Ballard Lawton,	Lancaster.
17,	Albert Brewer,*	Albert St. Jean,	Spencer.
May 15,	Samuel E. Simanovich,	Samuel E. Simons,	Worcester.
June 19,	Tena Warren,*	Marion Warren Barton,	Phillipston.
19,	Martha J. Butler,*	Mabel Lydia Johnson,	Lancaster.
19,	Lyman G. Hall,*	Arthur Franklin Barnes,	Worcester.
19,	Christine Scott,*	Helen Scott Ballou,	Milford.
19,	Mary Elizabeth Odium,*	Mary Elizabeth Converse,	Grafton.

* Changed by reason of adoption.

CHANGE OF NAMES.

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WORCESTER COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
June 26,	Elmer Elsworth Cosman,*	Elmer Elsworth Danforth,	Fitchburg.
July 3,	Hugh James McCann,*	Hugh James McCoy,	Dudley.
Aug. 21,	Sarah Jane Mann,*	Sadie Jane Coombes,	Thomps'n'v'le,Ct.
Oct. 2,	Bessie Newcomb,*	Eva May Peck,	Spencer.
2,	Florence Isabel Barton,*	Florence Isabel Cudworth,	Worcester.
30,	Charles Henry Hillock,*	Charles Henry Burger,	Winchendon.
Nov. 23,	Joseph Raymond,*	Joseph Edwin Rice,	Winchendon.
23,	Ethel Cruikshank,*	Ethel Belle Stone,	Westborough.
27,	Mary E. Smith,	Mary Eliza Gates,	Clinton.
Dec. 4,	Addie Elfreda Barton,*	Addie Elfreda Burlingame,	Rutland.
7,	Violet Harrington,*	Alice Levinia Smith,	Boston.
7,	I. C. Bates Smith,*	Isaac Chapman Bates Dana,	Worcester.
7,	Elsie Manda Petersen,*	Elsie Manda Newton,	No. Brookfield.

HAMPSHIRE COUNTY.

Mar. 6,	Dora Goodchild,*	Dora Dufresne,	Northampton.
6,	Marguerite Frances Pervere,†	Margie Cora Starks,	Plainfield.
May 1,	Laura Narean,*	Laura Gaucher,	Northampton.
15,	Lilla Abbie Upton,*	Hattie Eliza Haskins,	Hadley.
June 10,	Samuel Hays,*	Samuel Hays Dickinson,	Amherst.
Aug. 14,	Addie May Wilson Adams,*	Addie May Wilson,	Belchertown.
Oct. 2,	Lizzie Bell Chapin,*	Lizzie Belle Perrett,	Huntington.
Dec. 4,	Catherine O'Neil,*	Eva Fischer,	Williamsburg.

HAMPDEN COUNTY.

Jan. 4,	Sarah Maud Costigan,	Sarah Maud Dunham,	Springfield.
14,	Eva May Lind,*	Eva Lewis Ferry,	Springfield.
Feb. 8,	Mary T. Brown,*	Mary Hughes,	Springfield.
8,	Lewis Springer Field,*	Lewis Henry Hall,	Longmeadow.
Mar. 7,	Freida Clara Hetwig Baerneck,*	Winnifred Elizabeth Poskey,	Springfield.
June 6,	Maria Elizabeth Dart,	Maria Elizabeth Palmer,	Westfield.
Aug. 1,	Frederic Brown,*	John Jalbert,	Chicopee.
1,	Dorothy Ganderton,*	Dorothy Ganderton Hodgkins,	Springfield.
Sept. 5,	Blanche Leota Clough,*	Blanche Leota Newcomb,	Springfield.
5,	Minnie S. Miller,	Minnie S. Bramble,	West Springfield.
Dec. 19,	Johanna Wright,*	Johanna Murphy,	Chicopee.

FRANKLIN COUNTY.

Jan. 3,	Earl Newell Thornily,*	George Earl Thornily,	Shelburne.
Feb. 14,	Frederick Rogers,*	Frederick Charles Allen,	Buckland.
May 1,	George Newton,*	Francis Rupert Vorce,	Orange.
July 3,	Lewis Henry Burrage,*	Lewis Henry Prichard,	Greenfield.
Sept. 25,	Martha Fulton,*	Amy Florence Fenno,	Orange.
25,	Harold Kirby,*	Harold Kirby Shaw,	Orange.
Oct. 23,	Mary Isabella Chandler,*	Mary Goldie Coates,	Deerfield.

* Changed by reason of adoption.

BERKSHIRE COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1888.			
Feb. 7,	Estella Frazier,*	Carrie May Richmond,	Williamstown.
Mar. 7,	Lillian Rebecca Brierley,*	Frances Mary Evans,	North Adams.
7,	Florence Jane Brierley,*	Jennie Maude Kenyon,	North Adams.
June 5,	Jacob Weidman,*	Charles Jacob Habneman,	Pittsfield.
Sept. 4,	Lyn Morse,*	Lyn Morse Braman,	North Adams.
4,	Priscilla Stone,*	Lena May Braman,	North Adams.
Oct. 2,	Curtis Aldrich Moore,*	Curtis Aldrich Sanford,	Sheffield.
4,	Elsie A. Haskins,*	Agnes E. Crosier,	Williamstown.
Nov. 7,	Mary Bulger,*	Kate Linehan,	North Adams.
7,	Nettie Curry,*	Janette Curry Hastings,	W. Stockbridge.
Dec. 4,	Etta Jane Wilson,*	Etta Jane Parsons,	Sandisfield.

NORFOLK COUNTY.

1887.			
Dec. 7,	Emma Reuby Lowell,*	Emma Reuby Reed,	Weymouth.
1888.			
Jan. 25,	William Miller,	William James Horner,	Walpole.
Mar. 7,	Eliza Anna McKenney,*	Bertha Agnes McKenney,	Canton.
21,	Charles Frederic Jenks,	Charles Fitz Jenks,	Canton.
April 11,	Mabel Florena McKenzie,*	Dorothy Florence Nash,	Abington.
11,	Clarence Wade,*	Clarence Wade Cushing,	Weymouth.
May 16,	Carl Sherman,*	Nathaniel Benjamin Sanborn,	Boston.
June 6,	Frederic Tirrell Thayer,*	Frederic Tirrell Jones,	Quincy.
Sept. 5,	Nellie DeLorey,*	Nellie Annie Robin,	Quincy.

PLYMOUTH COUNTY.

Feb. 12,	— Sherman,*	Cora May Bent,	Plymouth.
27,	Rosamond Studley Pool,	Rosamond Studley Gardner,	Rockland.
Mar. 12,	William Doherty,*	William Hartin,	Plympton.
12,	Joseph Greenwood,*	Joseph Greenwood Binney,	Hingham.
April 9,	John Keen,*	John Melvin Thorne,	Brockton.
9,	Mary Adeline Phillips,	Mary Adeline Filoon,	Brockton.
23,	Leana Durfee,*	Blanche Kelley,	Middleborough.
May 28,	Harold Williams Reed,*	Harold Williams Soule,	Hingham.
28,	Charles McKuin,*	Charles K. Hoxie,	Mattapoisett.
Aug. 24,	Abraham Eastwood,*	Charles Arthur Lowe,	Brockton.
Sept. 10,	Bertie Fontaineau,*	Barbara Anna Fontaineau Raymond,	Hanson.
10,	Lizzie C. Gray,	Isabella Caroline Gray,	Hingham.
Oct. 8,	Sarah Mabel Howes,	Sarah Mabel Howard,	Brockton.
22,	Elsie Fox,*	Elsie Fox Sampson,	Lakeville.
Nov. 26,	Henry Davenport,	Henry Augustus Davenport,	Penbrooke.
Dec. 10,	Celiste G. Peckham,*	Celiste G. Bruce,	Plymouth.

* Changed by reason of adoption.

CHANGE OF NAMES.

1317

BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
Feb. 3,	Elsie Jones,*	Idella Elsie Holmes, . . .	Fall River.
17,	Agnes Delaney,*	Agnes Peckham,	Fall River.
Mar. 2,	Miles Kirkwood,*	Lester LeForest Savery, . .	Taunton.
April 6,	Lewis Alexander Borden,* . .	Lewis Alexander Vincelleto, .	Fall River.
May 18,	Patrick Maney,*	Patrick Judd,	Fall River.
18,	Lottie Douglas Lawton,* . . .	Lottie Douglas Hutchinson, . .	Fall River.
July 6,	Henry Willard,*	Henry Sumner Gilson, . . .	Attleborough.
Aug. 3,	Frank Wyman,*	Frank Staley,	New Bedford.
Oct. 19,	Albert Leavitt Brown,*	Manton Edward Chambers, . .	Taunton.
Dec. 7,	Lena Norton Parlow,*	Lena Parlow Brayton,	Fall River.

BARNSTABLE COUNTY.

1878.			
April 16,	Willie Kelley,	David William Nye,	Sandwich.
1888.			
Jan. 10,	Sabina J. Kossman,*	Rena Sabina Taylor,	Barnstable.
10,	Eunice Lind,*	Maud Lillian Doane,	Chatham.
April 17,	Maud Estabrook,*	Maud Louise Taylor,	Yarmouth.
May 16,	Maud Wetmore,*	Maud Evelyn Craig,	Falmouth.
June 19,	Frank Clayton,	Frank C. Burrows,	Wellfleet.
Sept. 11,	Louisa Curley,*	Louisa Nickerson,	Chatham.
Nov. 20,	Roy Wilworth Bassett,*	Roy Wilworth Nickerson, . . .	Brewster.
20,	Ephraim Lincoln Studley, . . .	Ephraim F. Lincoln,	Falmouth.

NANTUCKET COUNTY.

Nov. 15,	George E. Hitt,	George E. Fisher,	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

1889.

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. — ISAAC N. KEITH Bourne.
II. — ARTHUR W. TUFTS Boston.
III. — ROBERT O. FULLER Cambridge.
IV. — EDWARD J. FLYNN Boston.
V. — AUGUSTUS MUDGE Danvers.
VI. — FRANCIS JEWETT Lowell.
VII. — GEORGE W. JOHNSON Brookfield.
VIII. — LEVI J. GUNN Greenfield.

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Clerk.* GEORGE G. SPEAR, *2d Clerk.*
HERBERT H. BOYNTON, *3d Clerk.*

GEORGE A. MARDEN,

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.*

ANDREW J. WATERMAN,

ATTORNEY-GENERAL.

HENRY C. BLISS *Assistant Attorney-General.*
HENRY A. WYMAN *Second Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1886.

SENATE.

President—HARRIS C. HARTWELL.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Benjamin F. Campbell, . . .	Boston.
Second " . . .	Edwin L. Pilsbury, . . .	Boston.
Third " . . .	Edward J. Donovan, . . .	Boston.
Fourth " . . .	James Donovan, . . .	Boston.
Fifth " . . .	Henry H. Sprague, . . .	Boston.
Sixth " . . .	John A. Collins, . . .	Boston.
Seventh " . . .	Edward J. Hathorne, . . .	Boston.
Eighth " . . .	Thomas F. Hunt, . . .	Boston.
Ninth " . . .	Daniel Gunn, . . .	Boston.
First Essex, . . .	William A. Clark, Jr., . . .	Lynn.
Second " . . .	Charles H. Symonds, . . .	Salem.
Third " . . .	Benjamin F. Cook, . . .	Gloucester.
Fourth " . . .	James D. Pike, . . .	Merrimac.
Fifth " . . .	David Walker, . . .	Lynn.
Sixth " . . .	Edward F. O'Sullivan, . . .	Lawrence.
First Middlesex, . . .	James F. Dwinell, . . .	Winchester.
Second " . . .	Henry J. Hosmer, . . .	Concord.
Third " . . .	Chester W. Kingsley, . . .	Cambridge.

District.	Name of Senator.	Residence.
Fourth Middlesex, .	William N. Davenport, .	Marlborough.
Fifth " .	Moses P. Palmer, . .	Groton.
Sixth " .	Alonzo H. Evans, . .	Everett.
Seventh " .	Frank W. Howe, . .	Lowell.
First Worcester, .	Henry L. Parker, . .	Worcester.
Second " .	Silas M. Wheelock, . .	Uxbridge.
Third " .	Levi L. Whitney, . .	Millbury.
Fourth " .	Harris C. Hartwell, . .	Fitchburg.
Worcester and Hamp- shire,	Charles E. Stevens, . .	Ware.
First Hampden, .	Edwin D. Metcalf, . .	Springfield.
Second " .	George W. Gibson, . .	Chicopee.
Franklin, . . .	Edwin Baker, . . .	Shelburne.
Berkshire, . . .	John C. Crosby, . . .	Pittsfield.
Berkshire and Hamp- shire,	Alfred S. Fassett, . .	Gt. Barrington.
First Norfolk, . .	James T. Stevens, . .	Braintree.
Second " . .	Enos H. Tucker, . .	Needham.
First Plymouth, .	Jubal C. Gleason, . .	Rockland.
Second " . .	James H. Harlow, . .	Middleborough.
First Bristol, . .	Austin Messinger, . .	Norton.
Second " . .	Robert Howard,* . .	Fall River.
Third " . .	Thomas W. Cook, . .	New Bedford.
Cape,	David Fisk,	Dennis.

HENRY D. COOLIDGE, *Clerk.*

EDMUND DOWSE, *Chaplain.*

JOHN G. B. ADAMS, *Sergeant-at-Arms.*

* Seated by resolution Jan. 21, in place of Joseph O. Neill; qualified February 6.

HOUSE OF REPRESENTATIVES.

Speaker—WILLIAM E. BARRETT.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Charles T. Witt, . Clarence P. Lovell, .	Boston. Boston.
2d,	Boston, Ward 2,	{ Patrick J. Kennedy, Thomas O. McEnaney,	Boston. Boston.
3d,	Boston, Ward 3,	{ William H. Murphy, John W. O'Neil, .	Boston. Boston.
4th,	Boston, Ward 4,	{ William H. Preble, . Ira A. Worth, .	Boston. Boston.
5th,	Boston, Ward 5,	{ Omer Pillsbury, . George N. Swallow,	Boston. Boston.
6th,	Boston, Ward 6,	{ John F. Gillespie, . Richard M. Barry, .	Boston. Boston.
7th,	Boston, Ward 7,	{ Thomas G. Farren, . Daniel McLaughlin,	Boston. Boston.
8th,	Boston, Ward 8,	{ John H. Sullivan, . Harrison H. Atwood,	Boston. Boston.
9th,	Boston, Ward 9,	{ Frank Morison, . Andrew B. Lattimore.	Boston. Boston.
10th,	Boston, Ward 10,	{ Jacob Fottler, . Edward Sullivan, .	Boston. Boston.
11th,	Boston, Ward 11,	{ George P. Sanger, Jr., Andreas Blume, .	Boston. Boston.
12th,	Boston, Ward 12,	{ Dennis J. Quinn, . James J. Burke, .	Boston. Boston.
13th,	Boston, Ward 13,	{ Michael J. Moore, . Edward J. Leary, .	Boston. Boston.
14th,	Boston, Ward 14,	{ Robert F. Means, . John H. Crowley, .	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,	{ William S. McNary, Joseph Nolan, . . .	Boston. Boston.
16th,	Boston, Ward 16,	{ Jeremiah Desmond, Thomas J. Keliher,	Boston. Boston.
17th,	Boston, Ward 17,	{ Robert H. Bowman, John W. O'Mealey, . .	Boston. Boston.
18th,	Boston, Ward 18,	{ John Albee, . . . Henry Frost, . . .	Boston. Boston.
19th,	Boston, Ward 19,	{ Thomas H. Duggan, William H. Monahan,	Boston. Boston.
20th,	Boston, Ward 20,	{ Michael J. McEttrick, John H. McDonough,	Boston. Boston.
21st,	Boston, Ward 21,	{ Henry S. Dewey, . . Francis W. Kittredge,	Boston. Boston.
22d,	Boston, Ward 22,	John E. Heslan, . . .	Boston.
23d,	Boston, Ward 23,	{ Pelatiah R. Tripp, . . Edward W. Brewer,	Boston. Boston.
24th,	Boston, Ward 24,	{ Henry P. Oakman, . . Thomas W. Bicknell,	Boston. Boston.
25th,	Boston, Ward 25,	James W. Harvey, . .	Boston.
26th,	Chelsea, Wards 1,2,3,	{ Franklin O. Barnes, William S. Hixon, . .	Chelsea. Chelsea.
27th,	{ Chelsea, Ward 4, . . Revere, Winthrop,	{ Willard Howland, . . Charles Grant, Jr., . .	Chelsea. Revere.

COUNTY OF ESSEX.

1st,	{ Salisbury, Amesbury, Merrimac, West Newbury,	{ George C. Rogers, . . John J. Prevauz, . .	W. Newbury. Amesbury.
2d,	{ Haverhill, Wards 1, } 2, 4, 6,	{ Henry H. Johnson, . . 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, }	William R. Rowell, .	Methuen.
		Martin L. Stover, .	Haverhill.
4th,	{ Lawrence, Wards 1, } 2, 3, }	Michael F. Sullivan,	Lawrence.
		John F. Howard, .	Lawrence.
5th,	{ Lawrence, Wards 4, } 5, 6, }	Phineas W. Haseltine,	Lawrence.
		John H. Stafford, .	Lawrence.
6th,	{ Andover, } North Andover, . }	Thomas K. Gilman,	N. Andover.
7th,	{ Groveland, } Georgetown, Boxford, Topsfield, }	Baxter P. Pike, .	Topsfield.
8th,	{ Newburyport, Wards } 1, 2, 3, 4, 5, 6, . . } Newbury, }	Edward P. Shaw, .	Newburyport.
		Luther Dame, . . .	Newbury.
9th,	{ Rowley, } Ipswich, Hamilton, Wenham, }	Simeon Dodge, Jr., .	Wenham.
10th,	{ Gloucester, Wards } 1, 3, 4, 5, 6, 7, 8, . }	Edgar S. Taft, . . .	Gloucester.
		Epes Davis,	Gloucester.
		Forbes P. Haskell, .	Gloucester.
11th,	{ Gloucester, Ward 2, } Rockport, }	William H. Nichols,	Gloucester.
12th,	Beverly,	William D. Sohler, .	Beverly.
13th,	Salem, Wards 1, 2, .	Francis T. Berry, .	Salem.
14th,	Salem, Wards 3, 5, .	Samuel L. Gracey, .	Salem.
15th,	Salem, Wards 4, 6, .	Edward F. Brown, .	Salem.
16th,	Marblehead, . . .	Thomas Snow, . . .	Marblehead.
17th,	{ Swampscott, } Lynn, Wards 2, 3, . }	James H. Richards, .	Lynn.
		Daniel P. Stimpson,	Swampscott.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	{ Lynn, Ward 4, . . } { Nahant, . . . }	James P. Martin, . Elihu B. Hayes, .	Lynn. Lynn.
19th,	{ Lynn, Wards 1, 5, . } { Lynnfield, . . . }	John Macfarlane, . Rufus Kimball, .	Lynn. Lynn.
20th,	{ Lynn, Wards 6, 7, . } { Saugus, . . . }	Langdon H. Holder, Horace H. Atherton,	Lynn. Saugus.
21st,	Peabody, . . .	Stephen S. Littlefield,	Peabody.
22d,	{ Danvers, . . . } { Middleton, . . . }	Charles H. Shepard,	Danvers.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards } { 1, 5, . . . }	George A. Perkins, Chester F. Sanger, .	Cambridge. Cambridge.
2d,	Cambridge, Ward 2, {	Horace E. Clayton, Horace G. Kemp, .	Cambridge. Cambridge.
3d,	Cambridge, Ward 3,	John W. Coveney, .	Cambridge.
4th,	Cambridge, Ward 4, {	Frank W. Dallinger, Moses D. Church, .	Cambridge. Cambridge.
5th,	Somerville, Ward 1,	Joshua H. Davis, .	Somerville.
6th,	Somerville, Ward 2,	Francis H. Raymond.	Somerville.
7th,	{ Somerville, Wards } { 3, 4, . . . }	Irving L. Russell, .	Somerville.
8th,	Medford, . . .	J. Henry Norcross,	Medford.
9th,	{ Malden, Wards 1, 2, } { 3, 4, 5, 6, . . . }	Henry E. Turner, Jr., Thomas E. Barker,	Malden. Malden.
10th,	Everett, . . .	Joseph H. Cannell,	Everett.
11th,	Melrose, . . .	William E. Barrett,	Melrose.
12th,	Stoneham, . . .	Myron J. Ferren, .	Stoneham.
13th,	Wakefield, . . .	Chas. F. Woodward,	Wakefield.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Woburn, . . . } { Reading, . . . }	Montessor T. Allen, Lewis M. Baneroff,	Woburn. Reading.
15th,	{ Arlington, . . . } { Winchester, . . . }	Samuel W. McCall,	Winchester.
16th,	{ Watertown, . . . } { Belmont, . . . }	Charles Q. Pierce, .	Watertown.
17th,	{ Newton, Wards 1, } { 2, 3, 4, 5, 6, 7, }	Gorham D. Gilman, Winfield S. Slocum,	Newton. Newton.
18th,	{ Waltham, Wards 1, } { 2, 3, 4, 5, 6, 7, }	Henry S. Milton, . George W. Cutting,	Waltham. Weston.
19th,	{ Lexington, . . . } { Lincoln, . . . } { Concord, . . . } { Bedford, . . . } { Burlington, . . . }	John F. Hutchinson,	Lexington.
20th,	{ Chelmsford, . . . } { Billerica, . . . } { Tewksbury, . . . } { Wilmington, . . . } { North Reading, . . . }	Edward M. Nichols,	Wilmington.
21st,	Lowell, Ward 1, .	Michael J. Garvey,	Lowell.
22d,	Lowell, Ward 2, .	Francis W. Qua, .	Lowell.
23d,	Lowell, Ward 3, .	Peter J. Brady, .	Lowell.
24th,	{ Lowell, Wards 4, 5, } { Dracut, . . . } { Tyngsborough, . . . }	Charles E. Carter, . Charles H. Hanson, Thomas H. Connell,	Lowell. Lowell. Dracut.
25th,	Lowell, Ward 6, .	Richard B. Allen, .	Lowell.
26th,	Natick, . . .	Albert Mead, . . .	Natick.
27th,	{ Hopkinton, . . . } { Ashland, . . . }	Abner Greenwood, .	Ashland.
28th,	{ Holliston, . . . } { Sherborn, . . . } { Framingham, . . . } { Wayland, . . . }	George A. Reed, . Charles E. Spring, .	Framingham. Holliston.

HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
29th,	{ Marlborough, . . . Hudson, . . . Sudbury, . . . }	I. Porter Morse, .	Marlborough.
		Francis C. Curtis, .	Marlborough
30th,	{ Maynard, . . . Stow, . . . Boxborough, . . . Littleton, . . . Acton, . . . Carlisle, . . . }	Nelson B. Conant, .	Littleton.
31st,	{ Westford, . . . Groton, . . . Pepperell, . . . Dunstable, . . . }	John O. Bennett, .	Pepperell.
32d,	{ Ayer, . . . Shirley, . . . Townsend, . . . Ashby, . . . }	Horace S. Brooks, .	Ashby.

COUNTY OF WORCESTER.

1st,	{ Athol, . . . Royalston, . . . Phillipston, . . . }	John D. Holbrook, .	Athol.
2d,	{ Gardner, . . . Winchendon, . . . Templeton, . . . Ashburnham, . . . }	John H. Wilkins, .	Ashburnham.
		Percival Blodgett, .	Templeton.
3d,	{ Barre, . . . Dana, . . . Petersham, . . . Hardwick, . . . Rutland, . . . }	George Ayres, . .	Petersham.
4th,	{ Westminster, . . . Hubbardston, . . . Princeton, . . . Holden, . . . Paxton, . . . }	Herbert W. Howe, .	Hubbardston.
5th,	{ Brookfield, . . . North Brookfield, . . . West Brookfield, . . . New Braintree, . . . Oakham, . . . Sturbridge, . . . Warren, . . . }	George Bliss, . .	Warren.
		John B. Gould, . .	Warren.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Spencer, . . . } Leicester, . . . }	Henry O. Smith, .	Leicester.
7th,	{ Charlton, . . . } Dudley, . . . } Southbridge, . . . }	George L. Clemence,	Southbridge.
8th,	{ Webster, . . . } Oxford, . . . } Auburn, . . . }	Lyman R. Eddy, .	Webster.
9th,	{ Douglas, . . . } Millbury, . . . } Sutton, . . . }	Stillman Russell, .	Douglas.
10th,	{ Uxbridge, . . . } Northbridge, . . . } Upton, . . . }	Joseph A. Patridge,	Upton.
11th,	{ Blackstone, . . . } Mendon, . . . } Milford, . . . } Hopedale, . . . }	James Lally, Jr., . Thomas McCooey, .	Milford. Blackstone.
12th,	{ Westborough, . . . } Northborough, . . . } Southborough, . . . } Berlin, . . . } Shrewsbury, . . . } Grafton, . . . }	Alden M. Bigelow, . Samuel Wood, .	Grafton. Northborough.
13th,	{ Boylston, . . . } Bolton, . . . } West Boylston, . . . } Clinton, . . . } Harvard, . . . } Lancaster, . . . } Sterling, . . . }	Frank E. Holman, . Albert H. Newhall, .	Clinton. Sterling.
14th,	{ Leominster, . . . } Lunenburg, . . . }	Charles C. Putnam, .	Lunenburg.
15th,	{ Fitchburg, Wards 1, } 2, 3, 4, 5, 6, . . . }	John W. Kimball, . Nelson F. Bond, .	Fitchburg. Fitchburg.
16th,	Worcester, Ward 1,	Joseph P. Cheney, Jr.,	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,	Peter T. Carroll, .	Worcester.
19th,	Worcester, Ward 4,	James H. Mellen, .	Worcester.
20th,	Worcester, Ward 5,	James M. Cronin, .	Worcester.
21st,	Worcester, Ward 6,	John W. Plaisted, .	Worcester.
22d,	Worcester, Ward 7,	William B. Sprout, .	Worcester.
23d,	Worcester, Ward 8,	Edward B. Glasgow,	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Northampton, Wds. 1, 2, 3, 4, 5, 6, 7, . Easthampton, . . . Southampton, . . }	John B. Bottum, . Henry A. Kimball, .	Northampton. Northampton.
2d,	{ Chesterfield, . . . Cummington, . . . Goshen, Huntington, . . . Middlefield, . . . Plainfield, . . . Westhampton, . . . Worthington, . . }	Charles K. Brewster,	Worthington.
3d,	{ Hatfield, Hadley, South Hadley, . . . Williamsburg, . . }	John N. Pierce, .	Hadley.
4th,	{ Amherst, Belchertown, . . . Granby, }	Frank E. Paige, .	Amherst.
5th,	{ Enfield, Greenwich, Pelham, Prescott, Ware, }	William S. Douglas,	Greenwich.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Chester, . . . } { Blandford, . . . } { Tolland, . . . } { Granville, . . . } { Southwick, . . . } { Agawam, . . . }	John B. Ripley, .	Granville.
2d,	{ Montgomery, . . . } { Russell, . . . } { Westfield, . . . } { West Springfield, . . }	Oren B. Parks, . Robert B. Crane, .	Westfield. Westfield.
3d,	{ Holyoke, Wards 6, } { 7, . . . }	John Hildreth, .	Holyoke.
4th,	{ Holyoke, Wards 1, 2, } { 3, 4, 5, . . . }	Jeremiah J. Keane, .	Holyoke.
5th,	Chicopee, . . .	George D. Eldredge,	Chicopee.
6th,	{ Springfield, Wards } { 1, 4, 8, . . . }	William F. Ferry, . Hiram B. Lane, .	Springfield. Springfield.
7th,	Springfield, Ward 5,	A. Olin Brooks, .	Springfield.
8th,	{ Springfield, Wards } { 2, 3, 6, 7, . . . }	Charles A. Call, . Charles H. Bennett,	Springfield. Springfield.
9th,	{ Longmeadow, . . . } { Hampden, . . . } { Wilbraham, . . . } { Monson, . . . } { Wales, . . . }	Lurin J. Potter, .	Longmeadow.
10th,	{ Ludlow, . . . } { Palmer, . . . } { Brimfield, . . . } { Holland, . . . }	William W. Leach, .	Palmer.

COUNTY OF FRANKLIN.

1st,	{ Greenfield, . . . } { Shelburne, . . . } { Bernardston, . . . }	Nahum S. Cutler, .	Greenfield.
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COUNTY OF FRANKLIN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Warwick, . . .) { Orange, . . .) { New Salem, . . .) { Erving, . . .) { Shutesbury, . . .)	Henry D. Hamilton,	New Salem.
3d,	{ Northfield, . . .) { Gill, . . .) { Montague, . . .) { Wendell, . . .)	Ralph L. Atherton, .	Gill.
4th,	{ Leverett, . . .) { Sniderland, . . .) { Whately, . . .) { Deerfield, . . .) { Conway, . . .)	John B. Packard, .	Conway.
5th,	{ Ashfield, . . .) { Buckland, . . .) { Charlemont, . . .) { Colrain, . . .) { Hawley, . . .) { Heath, . . .) { Leyden, . . .) { Rowe, . . .) { Monroe, . . .)	Charles Howes, .	Ashfield.

COUNTY OF BERKSHIRE.

1st,	{ New Ashford, . . .) { Williamstown, . . .) { North Adams, . . .) { Florida, . . .) { Clarksburg, . . .)	Orland J. Brown, . Albert E. Richmond.	North Adams. North Adams.
2d,	{ Adams, . . .) { Cheshire, . . .) { Savoy, . . .)	Thomas Riley, .	Adams.
3d,	{ Hancock, . . .) { Lanesborough, . . .) { Lenox, . . .) { Windsor, . . .) { Peru, . . .) { Hinsdale, . . .) { Washington, . . .) { Richmond, . . .)	Stephen L. Northup,*	Lanesborough.

* Elected February 19; qualified March 6, in place of Joshua L. D. Bowerman of Lauesborough, deceased January 25.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Pittsfield, . . . } { Dalton, . . . }	Charles M. Wilcox, . Peter J. McDonald, .	Pittsfield. Pittsfield.
5th,	{ Stockbridge, . . . } { Lee, . . . } { Becket, . . . }	Charles N. Foote, .	Lee.
6th,	{ West Stockbridge, . } { Alford, . . . } { Egremont, . . . } { Great Barrington, . }	Theodore Giddings,	Gt. Barrington.
7th,	{ Monterey, . . . } { Otis, . . . } { Sandisfield, . . . } { New Marlborough, . } { Sheffield, . . . } { Mt. Washington, . . } { Tyringham, . . . }	George A. Shepard,	Sandisfield.

COUNTY OF NORFOLK.

1st,	{ Dedham, . . . } { Norwood, . . . }	George C. Stearns, .	Dedham.
2d,	Brookline, . . .	George N. Carpenter,	Brookline.
3d,	Hyde Park, . . .	Ferdinand A. Wyman,	Hyde Park.
4th,	{ Milton, . . . } { Canton, . . . }	Walter P. Beck, .	Milton.
5th,	{ Quincy, . . . } { Weymouth, . . . }	Warren W. Adams, . John F. Merrill, . Louis A. Cook, .	Quincy. Quincy. Weymouth.
6th,	{ Braintree, . . . } { Holbrook, . . . }	Thos. Haven Dearing,	Braintree.
7th,	{ Randolph, . . . } { Stoughton, . . . } { Avon, . . . } { Sharon, . . . } { Walpole, . . . }	Robert S. Gray, . Rufus A. Thayer, .	Walpole. Randolph.
8th,	{ Franklin, . . . } { Foxborough, . . . } { Wrentham, . . . } { Bellingham, . . . } { Medway, . . . } { Norfolk, . . . }	William A. Wyckoff, James D. Lincoln, .	Franklin. Wrentham.

HOUSE OF REPRESENTATIVES.

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COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham, . . . } { Dover, . . . } { Medfield, . . . } { Wellesley, . . . } { Millis, . . . }	Albert E. Miller,	Needham.

COUNTY OF PLYMOUTH.

1st,	Plymouth, . . .	Everett F. Sherman,	Plymouth.
2d,	{ Marshfield, . . . } { Plympton, . . . } { Kingston, . . . } { Duxbury, . . . }	Thomas Alden,	Duxbury.
3d,	{ Scituate, . . . } { Norwell, . . . } { Hanson, . . . } { Pembroke, . . . }	J. Deau Bonney,	Pembroke.
4th,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	Z. Taylor Harrington,	Hull.
5th,	{ Rockland, . . . } { Hanover, . . . }	Wm. Henry Brooks,	Hanover.
6th,	{ Whitman, . . . } { Abington, . . . }	Harvey H. Pratt,	Abington.
7th,	{ Mattapoisett, . . . } { Marion, . . . } { Wareham, . . . } { Rochester, . . . } { Carver, . . . }	Ellis B. Purrington,	Mattapoisett.
8th,	{ Middleborough, . . . } { Lakeville, . . . } { Halifax, . . . }	Jared F. Alden,	Middleborough.
9th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	Robert O. Harris,	E. Bridgewater.
10th,	{ Brockton, Wards 4, } { 5, 6, . . . }	Chas. French Porter,	Brockton.
11th,	{ Brockton, Wards 2, } { 3, . . . }	A. Cranston Thomp- son,	Brockton.
12th,	{ Brockton, Wards 1, } { 7, . . . }	Charles C. Bixby,	Brockton.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Attleborough, . . . } { N. Attleborough, . . . } { Norton, . . . } { Seekonk, . . . }	Stephen Stanley, . . . Abijah T. Wales, . . .	N. Attleboro'. Attleborough.
2d,	{ Mansfield, . . . } { Easton, . . . } { Raynham, . . . }	Charles B. Gardiner,	Raynham.
3d,	{ Taunton, Wards 1, } { 2, 3, 4, 5, 6, 7, 8, . } { Berkley, . . . }	Rollin H. Babbitt, . . . Wm. L. White, Jr., . . . William M. Hale, . . .	Berkley. Taunton. Taunton.
4th,	{ Fairhaven, . . . } { Acushnet, . . . } { Freetown, . . . }	Noah F. Mendall, . . .	Acushnet.
5th,	{ New Bedford, } { Wards 1, 2, 3, . }	Isaac B. Tompkins, . . . David B. Kempton, . . .	New Bedford. New Bedford.
6th,	{ New Bedford, } { Wards 4, 5, 6, . }	Charles P. Rugg, . . . William Gordon, Jr., . . .	New Bedford. New Bedford.
7th,	{ Westport, . . . } { Dartmouth, . . . }	George W. Slocum,	Dartmouth.
8th,	{ Fall River, Wards } { 1, 2, 3, 4, 6, . }	John J. McDonough, John Edwards, John H. Burgess, . . .	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards } { 5, 7, 8, 9, . }	Robert Henry, . . . Hugo A. Dubuque, . . .	Fall River. Fall River.
10th,	{ Dighton, . . . } { Somerset, . . . } { Swanzey, . . . } { Rehoboth, . . . }	Charles Perry, . . .	Rehoboth.

COUNTY OF BARNSTABLE.

1st,	{ Falmouth, . . . } { Bourne, . . . } { Sandwich, . . . } { Mashpee, . . . } { Barnstable, . . . } { Yarmouth, . . . } { Dennis, . . . }	Albert R. Eldridge, . . . Joshua Crowell, . . .	Bourne. Dennis.
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COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Harwich, . . . } { Chatham, . . . } { Brewster, . . . } { Orleans, . . . }	—————*	—————
3d,	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . . }	David Conwell, . . .	Provincetown.

COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . } { Cottage City, . . . } { Edgartown, . . . } { Gay Head, . . . } { Gosnold, . . . } { Tisbury, . . . }	Cornelius B. Marchant,	Edgartown.
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COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	Anthony Smalley, . . .	Nantucket.
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EDWARD A. McLAUGHLIN, Clerk.
 DANIEL W. WALDRON, Chaplain.
 JOHN G. B. ADAMS, Sergeant-at-Arms.

* George Eldridge of Chatham elected, — failed to qualify.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

MARCUS MORTON, *of Andover.*

ASSOCIATE JUSTICES.

WALBRIDGE A. FIELD, *of Boston.*
 CHARLES DEVENS, *of Boston.*
 WILLIAM ALLEN, *of Northampton.*
 CHARLES ALLEN, *of Boston.*
 OLIVER WENDELL HOLMES, JR., *of Boston.*
 MARCUS P. KNOWLTON, *of Springfield.*

SUPERIOR COURT.

CHIEF JUSTICE.

LINCOLN F. BRIGHAM, *of Salem.*

ASSOCIATE JUSTICES.

ROBERT C. PITMAN, *of Newton.*
 P. EMORY ALDRICH, *of Worcester.*
 HAMILTON B. STAPLES, *of Worcester.*
 CALEB BLODGETT, *of Boston.*
 ALBERT MASON, *of Brookline.*
 JAMES M. BARKER, *of Pittsfield.*
 CHARLES P. THOMPSON, *of Gloucester.*
 JOHN W. HAMMOND, *of Cambridge.*
 JUSTIN DEWEY, *of Springfield.*
 EDGAR J. SHERMAN, *of Lawrence.*
 JOHN LATHROP, *of Boston.*
 JAMES R. DUNBAR, *of Westfield.*
 ROBERT R. BISHOP, *of Newton.*

JUDGES OF PROBATE AND INSOLVENCY.

JOHN W. McKIM, Boston,	SUFFOLK.
ROLLIN E. HARMON, Lynn,	ESSEX.
GEORGE M. BROOKS, Concord,	MIDDLESEX.
WILLIAM T. FORBES, Westborough,	WORCESTER.
WILLIAM G. BASSETT, Easthampton,	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield,	HAMPDEN.
CHESTER C. CONANT, Greenfield,	FRANKLIN.
JAMES T. ROBINSON, North Adams,	BERKSHIRE.
GEORGE WHITE, Newton,	NORFOLK.
BENJAMIN W. HARRIS, East Bridgewater,	PLYMOUTH.
WILLIAM E. FULLER, Taunton,	BRISTOL.
HIRAM P. HARRIMAN, Wellfleet,	BARNSTABLE.
JOSEPH T. PEASE, Edgartown,	DUKES.
THADDEUS C. DEFRIEZ, Nantucket,	NANTUCKET.

REGISTERS OF PROBATE AND INSOLVENCY.

ELIJAH GEORGE, Boston,	SUFFOLK.
JEREMIAH T. MAHONEY, Salem,	ESSEX.
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, Pittsfield,	BERKSHIRE.
JONATHAN COBB, Dedham,	NORFOLK.
JOHN C. SULLIVAN, Middleborough,	PLYMOUTH.
JOHN H. GALLIGAN, Taunton,	BRISTOL.
FREEMAN H. LOTHROP, Barnstable,	BARNSTABLE.
HEBRON VINCENT, Edgartown,	DUKES.
BENJAMIN F. BROWN, Nantucket,	NANTUCKET.

DISTRICT ATTORNEYS.

OLIVER STEVENS, Boston,	SUFFOLK.
WILLIAM B. STEVENS, Stoneham,	NORTHERN.
HENRY F. HURLBURT, Lynn,	EASTERN.
HOSEA KINGMAN, Bridgewater,	SOUTH-EASTERN.
HOSEA M. KNOWLTON, New Bedford,	SOUTHERN.
FRANCIS A. GASKILL, Worcester,	MIDDLE.
CHARLES E. HIBBARD, Pittsfield,	WESTERN.
DANIEL W. BOND, Northampton,	NORTH-WESTERN.

SHERIFFS.

JOHN B. O'BRIEN, Boston,	SUFFOLK.
HORATIO G. HERRICK, Lawrence,	ESSEX.
HENRY G. CUSHING, Lowell,	MIDDLESEX.
AUGUSTUS B. R. SPRAGUE, Worcester,	WORCESTER.
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ALPHEUS K. HARMON, Plymouth,	PLYMOUTH.
ANDREW R. WRIGHT, Fall River,	BRISTOL.
LUTHER FISK, Dennis,	BARNSTABLE.
JASON L. DEXTER, Edgartown,	DUKES.
JOSIAH F. BARRETT, Nantucket,	NANTUCKET.

CLERKS OF COURTS.

HENRY A. CLAPP, Boston, Clerk of the Supreme Judicial Court for the Commonwealth.	
JOHN NOBLE, Boston, Supreme Judicial Court,	SUFFOLK.
JOSEPH A. WILLARD, Boston, Sup. Ct., Civil Bus.,	} SUFFOLK.
JOHN P. MANNING, Boston, Sup. Ct., Crim. Bus.,	
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.
JOSIAH F. MURPHEY, Nantucket,	NANTUCKET.

MEMBERS OF THE FIFTY-FIRST CONGRESS.

[Congressional Districts established by Chap. 253, Acts of 1882.]

SENATORS.

HENRY L. DAWES, of *Pittsfield*.
 GEORGE F. HOAR, of *Worcester*.

REPRESENTATIVES.

DISTRICT I.—CHARLES S. RANDALL, . . . of *New Bedford*.
 II.—ELIJAH A. MORSE, of *Canton*.
 III.—JOHN F. ANDREW, of *Boston*.
 IV.—JOSEPH H. O'NEILL, of *Boston*.
 V.—NATHANIEL P. BANKS, of *Waltham*.
 VI.—HENRY CABOT LODGE, of *Nahant*.
 VII.—WILLIAM COGSWELL, of *Salem*.
 VIII.—FREDERIC T. GREENHALGE, . . . of *Lowell*.
 IX.—JOHN W. CANDLER, of *Brookline*.
 X.—JOSEPH H. WALKER, of *Worcester*.
 XI.—RODNEY WALLACE, of *Fitchburg*.
 XII.—FRANCIS W. ROCKWELL, of *Pittsfield*.

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, July 9, 1889.

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.

A T A B L E

SHOWING

WHAT GENERAL STATUTES OF THE COMMONWEALTH AND
WHAT CHAPTERS OF THE PUBLIC STATUTES HAVE BEEN
AFFECTED BY SUBSEQUENT LEGISLATION.

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. 73; 1886, c. 58.

SECT. 3. Jurisdiction is ceded to the United States over a part of Gallop's island in Boston harbor. St. 1889, c. 27.

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.

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CHAPTER 1*a*.

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 \$750. Sts. 1884, c. 319; 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.

SECTS. 21, 22. The clerks of the senate and of the house may employ additional clerical assistance. St. 1888, c. 1.

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 may direct. St. 1882, c. 238.

The preparation and publication of supplements to the Public Statutes, and their distribution, is provided for. St. 1888, c. 383.

The provisions as to the printing and distribution of the laws and public documents are revised. St. 1889, c. 440.

Express and postage on legislative and other documents forwarded to members of the general court is to be paid by the Commonwealth. St. 1889, c. 53.

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.

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. 1887, c. 16, a contract for the State printing for five years is to be made in the mode there provided.

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 \$5,000. Sts. 1882, c. 196; 1888, c. 24.

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.

Cities may change their board of registrars so that the city clerk shall not be a member. St. 1889, c. 69.

St. 1884, c. 298, § 26, is amended by requiring that applications for the correction of errors in the names on tax bills shall be made in person. Apparently the registers need not use the form of certificate. St. 1889, c. 404, § 1.

St. 1884, c. 298, § 20, is amended by providing that unless the applicant's qualifications have been determined by the board within four years, he must be examined anew. He must write his name in the register. St. 1889, c. 404.

The registers must announce distinctly the name of any person about to be registered. St. 1889, c. 404, § 4.

The clerk in transmitting the names of persons deceased shall give the precinct, street and number. St. 1889, c. 404, § 5.

The law is made applicable to the case of towns which are divided into precincts. St. 1886, c. 264, §§ 3, 4, 5.

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.

Women to be registered must make request in writing. The assessors must inquire for such requests at each dwelling house. The assessors must ascertain and include in their lists the age and occupation of all persons assessed and their residences on the first day of May of the current and preceding years. St. 1889, c. 196.

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.

Towns may discontinue voting precincts. St. 1888, c. 146.

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.

The Australian system, so-called, of printing and distributing ballots and voting is adopted, to take effect Nov. 1, 1889. St. 1888, c. 436.

St. 1888, c. 436, establishing the Australian ballot system, is amended and reprinted in the amended form. St. 1889, c. 413.

The holding of caucuses or public meetings of the qualified voters of cities and towns for political purposes is regulated. Fraud at such meetings is made criminal. St. 1888, c. 441.

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. 26. Statements relative to the voting at elections in towns prior to the public declaration thereof are prohibited. St. 1888, c. 203.

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. 38. The time for declaring the result of the election and issuing the certificates of election is determined. St. 1888, c. 164.

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, § 5.

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. The provision requiring residence in the district is omitted. St. 1882, c. 253.

SECT. 13. The returns are to be examined within ten days. The result is to be announced by proclamation published in at least one newspaper in each county. Notice of any contest must be given within fourteen days after the date of such proclamation. A certificate of his election shall be transmitted to each person whose election is not contested. St. 1888, c. 382, § 1.

SECT. 15. The time of the meeting of the electors is changed to the Saturday preceding the second Monday in January. St. 1888, c. 382, § 2.

Any person claiming to be elected an elector may contest the matter before the supreme court. The mode of proceeding, the evidence and the costs are provided for. The final hearing and determination shall be by a majority of the justices of the court, but a single justice may exercise the other powers given by this act. St. 1888, c. 382.

CHAPTER 11.

OF THE ASSESSMENT OF TAXES.

The polls and estates of the several cities and towns, as a basis of apportionment for State and county taxes, are established. St. 1889, c. 103.

The assessors may in any year divide any ward in a city into convenient assessment districts. St. 1889, c. 115.

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.

Bonds of all railroads, including street railways, are added to the list of kinds of personal property taxable. St. 1888, c. 363.

Personal property leased for profit is taxed where situate to the owner or person having possession. St. 1889, c. 446.

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.

SECT. 5, cl. 3, which provides for the exemption from taxation of certain benevolent institutions, is revised. Temperance societies and, to the amount of twenty thousand dollars, grand army and veteran associations are added. St. 1889, c. 465.

There is no exemption if any part of the income or profits is divided or is used for other than literary, educational, benevolent, charitable, scientific or religious purposes. St. 1888, c. 158.

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. And for two years more. St. 1889, c. 286.

SECT. 13. The language of this section is modified. The person appearing as the owner of record is held the true owner, even if deceased. St. 1889, c. 84.

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.

The list and statement may be as of the last day of its financial year next preceding the first day of May. St. 1888, c. 323.

SECTS. 38 *et seq.* Assessors in towns must post lists of persons assessed for poll taxes. St. 1888, c. 206.

SECT. 48. The time within which persons may apply to be assessed is extended from the fifteenth day of September to the first day of October. St. 1888, c. 200, § 1. Evening sessions of the assessors are required. These sections apply to Boston. St. 1888, c. 200.

SECT. 49. The overlay is valid, although it may cause the tax to exceed the legal limit. St. 1887, c. 226.

SECT. 50. It is expressly provided that the residents and non-resident property holders shall at all reasonable times have free access to the list of valuation and assessment, and assessors are punished for refusal or neglect to submit the list to their inspection upon request. St. 1888, c. 307.

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. 61. The tax list must also contain a certificate of the amount assessed upon each poll as State and county tax respectively. St. 1889, c. 467, § 1.

SECT. 69. Tenants under obligation to pay taxes assessed on real estate are enabled to apply for an abatement. St. 1888, c. 315.

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.

Where the property taxable is omitted, and the error is discovered after the rate of taxation has been declared, it shall be assessed between the fifteenth and twentieth days of December. St. 1888, c. 362.

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.

SECT. 93. The apportionment between State and county taxes is to be stated upon the tax bills of male persons assessed for a poll tax only, and such persons shall not be entitled to a certificate under this section. St. 1889, c. 467.

CHAPTER 12.

OF THE COLLECTION OF TAXES.

This chapter is repealed and the laws as to the collection of taxes are revised and codified. Forms are established. St. 1888, c. 390.

SECTS. 66 *et seq.* The county taxes shall be collected and paid into the town and city treasuries, and the town and city treasurers are to pay them over to the county treasurers at such times as the county commissioners may direct in their warrants. St. 1889, c. 253.

St. 1888, c. 390, is amended as follows:—

SECT. 2. Notices instead of tax bills are to be sent. They may be sent by mail. Those to poll tax payers must be sent by September 2. St. 1889, c. 334, § 1.

SECT. 3. Instead of the entries required by this section the collector is to make and keep entries showing the disposition of the tax, whether reassessed, abated or paid, and the date of such disposition. St. 1889, c. 334, § 2.

SECT. 7. His fees are determined. St. 1889, c. 334, § 3.

SECT. 8. Before a sale of real estate, distraint or arrest, a demand must be made or sent by mail. The persons on whom it shall be made are defined. St. 1889, c. 334, § 4.

SECT. 19. Instead of a copy of the warrant he leaves a certificate of the cause of commitment and the amount to be paid. St. 1889, c. 334, § 5.

SECT. 23. The provisions as to arrest by the constable himself are omitted. His warrant runs to any of the sheriffs of the several counties and their deputies, and to any constable or deputy collector of taxes of the city or town of which he is collector. St. 1889, c. 334, § 6.

SECT. 24. Taxes reassessed are included. The provision as to the marriage of a female tax payer is omitted. He may sue as if to collect a debt due him. St. 1889, c. 334, § 7.

SECT. 28, requiring a summons and providing a charge therefor, is repealed. St. 1889, c. 334, § 8.

SECT. 29. New fees are substituted. St. 1889, c. 334, § 3.

SECT. 30. All provisions as to the person on whom the demand shall be made are omitted. St. 1889, c. 334, § 9.

SECT. 32. The mortgagee must give the notice to the collector before the tax is assessed. St. 1889, c. 334, § 10.

SECT. 33. Instead of filing or recording the authority to his attorney, he must give notice of it to the collector before September 1. St. 1889, c. 334, § 11.

SECT. 37. The notice need not be posted except on the premises. St. 1889, c. 334, § 12.

SECT. 41 is repealed. St. 1889, c. 334, § 3.

SECT. 49. The time for payment by the purchaser is extended from ten to twenty days. St. 1889, c. 334, § 13.

SECT. 51. The custody of the deeds in cities is transferred from the

collector to the treasurer, and applications for redemption are to be made to the treasurer and not to the collector. St. 1889, c. 334, § 14.

SECTS. 69, 72. The requirement that the assessors shall approve the action of the collector in requiring the surrender of a tax deed, or in annulling a title, is repealed. St. 1889, c. 334, § 15.

Forms No. 5, 6, 7 are changed. St. 1889, c. 334, § 16.

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.

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.

SECT. 33. When reinsurance is effected otherwise than by their licensed resident agent no deduction is to be made for the sums paid for such reinsurance. St. 1888, c. 154.

SECTS. 38-42. 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.

SECTS. 40, 52, 53, 54, 57, 58, 59. The taxation of safe deposit, loan and trust companies is regulated. St. 1888, c. 413.

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.

A naval battalion is established to be attached to the volunteer militia. St. 1888, c. 366.

The militia laws are revised. St. 1887, c. 411.

An officer continued by appointment in the same office, or transferred without loss of grade or continuous service from one office to another, takes rank according to the date of his original commission. St. 1889, c. 360, § 1.

Any commissioned officer discharged under St. 1887, c. 411, shall not be eligible to election or appointment to a commission within six months after such discharge. St. 1889, c. 360, § 2.

Any person obstructing or interfering with the right of way given by St. 1887, c. 411, § 120, is punished under § 119 of the same statute. St. 1889, c. 360, § 3.

Inspecting officers inspecting armories shall receive the same pay and allowances as are provided for officers on special duty. St. 1889, c. 360, § 4.

The by-laws are to be approved, not by the commander-in-chief, but for unattached companies, signal and ambulance corps by the brigade commanders, and for all others by their respective battalion commanders. They are not to be repugnant to articles or rules adopted for the general government of the militia. St. 1889, c. 360, § 5.

St. 1887, c. 411, s. 148, is amended by adding that the books of the treasurer and other books of any command shall be examined by the inspecting officers when so ordered by the commander-in-chief, and subject to his action on the receipt of the report of such examinations. St. 1889, c. 360, § 6.

SECT. 91. The grand army may be allowed to use the State camp ground. Res. 1882, c. 15.

SECT. 92. Provision is made for the purchase or taking of land and the erection of armories in cities in which two or more companies of militia are located. St. 1888, c. 384.

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 \$3,500. St. 1888, c. 385.

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 a messenger and clerk hire is increased from \$10,000 to \$12,000. St. 1889, c. 101.

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.

The controller of accounts shall in his report give such statements, facts and explanations as will tend to a simple, uniform and economical method of accounting for public funds. His report is made one of the series of public documents. St. 1888, c. 275.

SECT. 2. The salary of the auditor is raised from \$2,500 to \$3,500. St. 1889, c. 70. 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.

The auditor may employ an extra clerk at a salary of \$1,200. St. 1888, c. 432.

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.

The clerks are designated. St. 1886, c. 38. The salaries of his clerks are raised as 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.

The salary of the paying teller in the office of the treasurer is increased from \$1,200 to \$1,400. St. 1889, c. 349.

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. 73 is repealed. St. 1887, c. 438, § 8.

CHAPTER 17.

OF THE ATTORNEY-GENERAL AND THE DISTRICT ATTORNEYS.

SECTS. 1, 2. The salary of the attorney-general is increased from \$4,000 to \$5,000, and that of the first assistant from \$2,000 to \$2,500, and that of the second assistant from \$1,000 to \$1,500. St. 1889, c. 402.

SECT. 2. He may also appoint a law clerk as an assistant at a salary of \$1,000. St. 1886, c. 216.

The title of the law clerk is changed to that of second assistant attorney-general. St. 1888, c. 425.

SECT. 9. The attorney-general may cause reports of capital trials to be published. St. 1886, c. 214.

SECT. 14. An assistant district attorney may be appointed for the middle district at a salary of \$1,000. St. 1888, c. 157.

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 assistant district attorney for the eastern district is raised from \$1,000 to \$1,200. St. 1888, c. 289.

The salary of the district attorney for the middle district is raised from \$1,800 to \$2,400. St. 1889, c. 250.

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 \$4,500 to \$5,000; that of his first assistant to \$2,800; his second assistant to \$2,500. Sts. 1887, c. 160; 1882, c. 245, § 2.

The salary of the clerk of the district attorney for Suffolk is increased from \$1,000 to \$1,800. St. 1889, c. 238.

The salary of the district attorney for the south-eastern district is raised from \$1,800 to \$2,100. St. 1888, c. 267, § 1.

SECT. 16. In the south-eastern district also the clerk may be appointed assistant, his compensation being paid by Norfolk and Plymouth equally, and not exceeding \$800. St. 1888, c. 267, § 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.

Women appointed special commissioners shall have the same powers as justices of the peace to administer oaths, to take depositions and acknowledgments and summon witnesses. St. 1889, c. 197.

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.

All structures and encroachments in great ponds are put under the control of the harbor and land commissioners. Licenses beyond the line of riparian ownership or affecting the level of the water must be approved by the governor and council. St. 1888, c. 318.

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. 144.

The custody of the books of records of grants and conveyances of Commonwealth lands in Maine is transferred to the secretary of State. St. 1883, c. 99.

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. 8, 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 number of the members of the board of control of the agricultural experiment station is increased by adding one member from the Massachusetts state grange, one from the horticultural society, the director of the station and the secretary of the State board of agriculture. No person elected by any of the boards or societies shall continue to be a member after he has ceased to be a member of the board or society. St. 1888, c. 333.

The annual appropriation of money by the United States for the support of agricultural experiments is accepted. St. 1887, c. 212.

The agricultural college is authorized and designated to receive the money granted by the United States. St. 1889, c. 111.

The trustees of the Massachusetts agricultural college shall be paid their expenses. St. 1889, c. 45.

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 21a.

OF THE MILITARY AND NAVAL HISTORIAN.

Provision is made for the appointment of a State military and naval historian. St. 1889, c. 374.

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 Norfolk from \$1,900 to \$2,700.

St. 1885, c. 277. In Worcester from \$3,400 to \$3,900; 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. In Franklin from \$1,100 to \$1,600. St. 1888, c. 65. In Hampden from \$1,600 to \$2,500. St. 1889, c. 30. In Middlesex from \$3,000 to \$5,400. St. 1889, c. 303. In Bristol from \$2,000 to \$2,800. St. 1889, c. 339.

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. Of Bristol from \$1,500 to \$1,800. St. 1889, c. 16. Of Berkshire from \$1,200 to \$1,500. St. 1889, c. 58. Of Plymouth from \$1,000 to \$1,200. St. 1889, c. 260.

The treasurer of Middlesex county is allowed \$500 for clerical assistance. St. 1889, c. 85. And of Essex, \$400. St. 1889, c. 310.

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 Jan. 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. Of Middlesex from \$2,000 to \$2,500. St. 1888, c. 95. Of Suffolk from \$2,500 to \$3,000. St. 1888, c. 228. Of Worcester from \$2,000 to \$2,500. St. 1888, c. 244. Of Hampden from \$1,250 to \$1,500. St. 1889, c. 38.

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. 1885, 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.

SECTS. 13, 14, 15. A verbatim report of the evidence shall be made and sworn to, at the expense of such road, where the accident occurred on a railroad. St. 1888, c. 365.

In cases of fatal accident on horse railroads, a verbatim report of the evidence is to be made in the same way. St. 1889, c. 154.

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.

Towns and cities may by their officers contract for the disposal of garbage, refuse and offal. St. 1889, c. 377.

Towns may employ counsel at hearings before committees of the legislature. St. 1889, c. 380.

SECTS. 2-6. Provision is made for the definition and preservation of town boundary lines. Changes may be recommended by the commissioners on the topographical survey. Bounds may be obliterated, removed or covered up in the legitimate occupation of land with the consent of the county commissioners. St. 1888, c. 336.

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. 11. A town may also appropriate money to celebrate the two hundred and fiftieth anniversary of its incorporation. St. 1889, c. 21.

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.

SECTS. 74, 75, 76, 77. In towns which have not accepted these sections or St. 1875, c. 158, the selectmen shall appoint a superintendent of streets, removable by them, whose duties are defined and whose compensation is fixed by the selectmen of the town. St. 1889, cc. 98, 178.

SECT. 78. Towns must elect auditors. The election must be by ballot. They shall have access to the books at least once a month. Sts. 1886, c. 295; 1888, c. 221; 1889, c. 191.

SECTS. 95 *et seq.* City and town clerks must give bonds to account for money received for dog licenses. St. 1888, c. 320.

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.

SECTS. 112 *et seq.* Towns must return the names of constables to the clerks of the courts of their respective counties within seven days after they qualify. St. 1889, c. 384.

CHAPTER 28.

OF CITIES.

“Mayor and aldermen” shall mean board of aldermen, unless other provision is made and 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.

Cities may indemnify a police officer for damages sustained while acting as such, or for expenses incurred in the defence or settlement of any suit brought against him for acts done while so acting. St. 1888, c. 379.

Cities may by ordinance prescribe that all fees, charges and commissions of every description allowed by law to the city clerk, treasurer, collector of taxes or any other official shall be paid into the treasury. St. 1888, c. 308.

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.

SECTS. 14, 15, 16. Provision is made for a new division of wards in cities. St. 1888, c. 437.

SECTS. 15, 16 are repealed. St. 1888, c. 437, § 6.

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. St. 1885, c. 312. But certain cities are exempt, Holyoke. St. 1886, c. 178. And Newburyport in part. St. 1886, c. 254. And Boston in part. Sts. 1886, c. 304; 1889, c. 68. And Lynn. St. 1889, c. 172. And Brockton. St. 1889, c. 176. And Worcester. St. 1889, c. 157.

SECT. 6. Temporary loans can hereafter be made only in anticipation of the taxes of the current municipal year. Sts. 1885, c. 312, § 4; 1889, c. 372.

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.

Fitchburg is permitted to issue bonds or notes running twenty years. St. 1889, c. 166.

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. 1889, c. 279, § 9.

An agent is to be appointed for the settlement of pension, bounty and back pay claims. He is furnished an office, clerical assistance and his travelling expenses. His duties are defined. St. 1888, c. 396, §§ 1, 2, 3.

Three thousand dollars shall be paid to the council of administration of the grand army of the republic for expenses incurred by them in securing pensions, bounties or back pay and for temporary relief for soldiers and sailors. St. 1888, c. 396, § 4.

The law as to State aid is revised and extended. St. 1889, cc. 279, 301.

Honorably discharged soldiers and their widows who are poor shall be supported by the city or town in which they have a settlement, but not at an almshouse. St. 1889, c. 298.

Provision is made for the burial of deceased indigent soldiers, sailors or marines. St. 1889, c. 395.

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.

The salary of the first clerk is increased from \$1,500 to \$1,800 and of the second clerk from \$1,300 to \$1,500. St. 1888, c. 115.

CHAPTER 32.

OF THE REGISTRY AND RETURNS OF BIRTHS, MARRIAGES AND DEATHS.

Returns of deaths and births, where the deceased person or the parents of the child were resident in some other town, must be made to such town and recorded there. St. 1889, c. 208.

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. 3. The words, which require the request for a certificate of the death to be made within fifteen days, are stricken out. St. 1888, c. 63.

The certificate must also state, to the best of the physician's knowledge and belief, the name of the deceased and his age. The request for it is no longer limited to fifteen days. The penalty for neglect to furnish it is increased. St. 1888, c. 306.

If the person deceased was a soldier or sailor in the war of the rebellion the physician shall give both the primary and secondary or immediate cause of death. St. 1889, c. 224.

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.*

This section, which provides for permission for the removal or burial of human bodies, is revised and changed. St. 1888, c. 306, § 2.

SECT. 7. Physicians and midwives are required to report additional facts and are given a fee of twenty-five cents. St. 1883, c. 158.

They must return monthly a list of births in Boston to the city clerk as in other cities and towns. St. 1889, c. 288.

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, 3.

SECT. 10. These returns shall include forest fires. St. 1886, c. 296, § 4.

SECTS. 10, 11. These sections requiring returns of fires are repealed. St. 1888, c. 199, § 3.

SECTS. 28 *et seq.* Fire departments must be equipped with certain apparatus for the saving of lives at fires. The proper authorities of the department must see that the apparatus is kept in good condition and ready for immediate use, and that firemen are trained in handling it. St. 1888, c. 310.

SECT. 29. The selectmen may remove engineers after notice and hearing. St. 1886, c. 113.

SECT. 35. Violations of rules established by boards of engineers are punished. St. 1888, c. 220.

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.

The salary of the secretary of the civil service commission is increased from \$1,200 to \$2,000. St. 1889, c. 177.

The salary of the chief examiner of the civil service commission is increased from \$2,500 to \$3,000. St. 1889, c. 351.

The copy of the rules or changes need be sent only to the mayors of cities to which such rules or changes therein relate and be published in one or more newspapers. St. 1888, c. 253.

The clause of St. 1884, c. 320, § 4, which requires the immediate discharge of any person convicted of the violation of any law of the State, is repealed. St. 1888, c. 334.

Cities may appropriate money for the enforcement of the civil service law. St. 1887, c. 345.

The statements of the application must be made under oath. St. 1889, c. 183.

Engineers and others having charge of steam boilers in Boston are put under the civil service rules. St. 1889, c. 352.

Honorably discharged soldiers and sailors are given an absolute right to appointment in preference to others who have not a higher standing upon the eligible list. St. 1889, c. 473.

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.

Incorporated religious societies may make by-laws. St. 1888, c. 326.

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.

SECTS. 16 *et seq.* The election, powers and duties of trustees of free

public libraries or of free public libraries and reading rooms in towns is regulated. St. 1888, c. 304.

The limitation of the number of trustees to nine is repealed. Where a town has heretofore elected the trustees in the way provided they serve until the expiration of their terms. St. 1889, c. 112.

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 supervises the pupils in the Perkins institution and Massachusetts school for the blind. St. 1885, c. 118.

SECT. 16. This section, which provides for the instruction of deaf mutes at the public expense, is revised and extended. St. 1888, c. 239.

The free instruction of deaf mutes or deaf children may be continued beyond ten years. St. 1889, c. 226.

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.

SECTS. 43-45. Small towns may unite to employ a superintendent of schools and then receive assistance from the State. Section 43, respecting the service of school committees without pay in towns where a superintendent is appointed, shall not apply. St. 1888, c. 431.

CHAPTER 45. OF SCHOOL DISTRICTS.

The school district system was 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. 1. The excuse of poverty and the provision as to half time schools are struck out. The instruction obtained must be in the branches required by law to be taught in the public schools. St. 1889, c. 464, § 1.

SECT. 2. Teaching in all the studies required by law must be in the English language, instead of in all studies. St. 1889, c. 464, § 2.

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 his 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 RESPECT- ING THEM.

SECT. 1. No minor shall be employed to sell papers devoted to criminal news. St. 1885, c. 305.

SECTS. 1-6. These sections are repealed. The regulations as to the employment of children are revised and extended and forms established. St. 1888, c. 348.

The employment of children who cannot read and write the English language is regulated. Sts. 1887, c. 433, §§ 2, 3, 4; 1888, c. 348; 1889, c. 139.

No child can receive the certificate unless he can read at sight and write legibly simple sentences in the English language. St. 1889, c. 291.

Street railway corporations may not permit children under ten to enter their cars to sell newspapers or other articles. St. 1889, c. 229.

SECTS. 1 *et seq.* The sanitary provisions in factories, workshops, mercantile or other establishments and offices are regulated. The expense

in certain cases may be recovered of other persons having an interest in the premises. St. 1888, c. 305.

It is forbidden to employ children in cleaning machinery in motion. St. 1887, c. 121.

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. 10. Children who persistently violate the reasonable rules and regulations of the common schools also fall under this section. The clause allowing the judge of probate to approve such by-laws is omitted. St. 1889, c. 249, § 1.

SECTS. 10 *et seq.* Truants may be apprehended and taken to school without a warrant. St. 1889, c. 422.

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.

This section is amended to correspond with the alteration in section 10. St. 1889, c. 249, § 2.

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.

If the place of settlement of any of such children has not within its control any institution in which they may be lawfully maintained they may be committed to the custody of the board of lunacy and charity. St. 1888, c. 248.

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.

SECTS. 22 *et seq.* Whoever abandons an infant under the age of two years is punished. Every person who receives an infant under the age of one year must try to ascertain whether it is illegitimate and, if he knows or has reason to believe it to be so, must notify the board of lunacy and charity. The board may enter any building where they have reason to suppose that such child is and take the custody of it and remove it. Persons receiving infants for board must answer the questions of the board. St. 1889, c. 309.

Boarding houses for infants under the age of five years must be licensed for the purpose of health. Such boarding house is defined. Infant boarding houses must be visited and inspected. St. 1889, c. 416.

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. 154.

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.

SECTS. 84-86. These sections, which define the powers of the street commissioners of Boston, are revised. St. 1888, c. 397.

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.

Actions for injuries received on highways are no longer limited to the superior court. St. 1888, c. 114.

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 the speed at which persons may ride or drive horses or other beasts over any bridge which has cost not less than one thousand dollars and to the construction or maintenance of which the county contributes. St. 1888, c. 313.

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.

Laws granting the right to regulate telephone and telegraph lines are extended to every corporation, copartnership or person having authority to place posts, wires or structures in public ways or places for any purpose. When unused such posts may be ordered to be removed at the expense of the owner. St. 1889, c. 398.

SECTS. 6, 9. The town or city may itself plant such trees. St. 1885, c. 123, § 1.

SECTS. 9, 12. The requirements 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. 17-19. 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. 449.

SECTS. 22 *et seq.* Public weighers of salt-water fish may be appointed. Their duties and fees are established. St. 1888, c. 163.

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.

SECTS. 11-16. These sections as to the inspection and sale of commercial fertilizers are repealed and new provisions are substituted. St. 1888, c. 296.

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.

SECT. 21. Cider apples, beans and pease are added to the articles which must be sold either by the bushel or the cental. The weight of the bushel of apples is fixed at fifty pounds, and of beans or pease at sixty-two pounds. St. 1888, c. 414.

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 name of the board of gas commissioners is changed to the board of gas and electric light commissioners. St. 1889, c. 373.

The inspector and assistant inspector hold office until the appointment and qualification of their successors, respectively, instead of until the appointment of their successors. St. 1889, c. 169.

Further provision is made as to regulating the price of gas. All accidents are to be reported and investigated and an abstract included in the annual report. St. 1888, c. 350.

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. 14. An inspection is to be made for every six million feet of gas instead of every four million. St. 1886, c. 250.

The gas commissioners may license gas companies to make and sell water gas containing any percentage of carbonic oxide that said board may determine. The company must furnish their customers a copy of the license containing a statement of the percentage of carbonic oxide. They may not charge more than other companies in that locality charge when the manufacture and sale is so licensed. St. 1888, c. 428.

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 peddle or beg, 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 without any fee to persons recommended by the towns or cities, as stated in section 4, who are over seventy years of age. St. 1883, c. 118.

The special license without the payment of any fee may be granted to any honorably discharged soldier resident here instead of to a disabled soldier belonging to this Commonwealth. St. 1889, c. 457.

CHAPTER 69.

OF SHIPPING AND SEAMEN, HARBORS AND HARBOR-MASTERS.

The owners or managers of foreign vessels running or advertised to run to any port in this State must file with the commissioner of corporations a copy of the register and a list of the names of the owners, and appoint the commissioner agent to receive service of legal process. St. 1889, c. 393.

SECTS. 1-13. Transportation for destitute seamen may be furnished at the expense of the State. St. 1886, c. 179.

SECT. 8. The clause as to advance wages is stricken out. St. 1889, c. 284.

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. A harbor-master 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.

SECT. 15. The fees for the pilotage of vessels in and out of Wood's Holl harbor are established. St. 1889, c. 275.

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. Sts. 1886, c. 263; 1887, c. 269.

The provision in St. 1887, c. 269, § 1, that the board shall choose one of its members as secretary is stricken out, and the limit of the salary of the clerk is raised from \$900 to \$1,200. St. 1888, c. 261.

The words used in the statutes relating to labor are defined. St. 1887, c. 103, § 5.

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. Sts. 1887, c. 103; 1888, c. 305.

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 machinery in motion. St. 1887, c. 121.

The employment of children who cannot read and write the English language is regulated. Sts. 1887, c. 433, §§ 2, 3, 4; 1888, c. 348; 1889, c. 135.

The liability of employers to make compensation for personal injuries suffered by employees in their service is extended and regulated. St. 1887, c. 270.

The notice under the employer's liability act must be in writing and signed. St. 1888, c. 155.

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 employment 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. All loans for less than one thousand dollars shall be dischargeable by payment or tender of the sum actually loaned with eighteen per cent. interest and not exceeding ten dollars for expenses. St. 1888, c. 388.

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.

SECTS. 8 *et seq.* A written promise to pay money is a promissory note and negotiable though the time of payment is uncertain, if it is payable at all events and at some time which must certainly come. St. 1888, c. 329.

CHAPTER 77*a*.

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 78.

OF THE PREVENTION OF FRAUDS AND PERJURIES.

An agreement to make wills, devises or legacies is not binding unless in writing. St. 1888, c. 372.

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 salary of the secretary of the State board of health is increased from \$2,500 to \$3,000. St. 1889, c. 370.

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. 12. Any town may authorize its board of health to make and enforce regulations with reference to house drainage and its connection with public sewers. Whoever violates such regulations forfeits one hundred dollars. St. 1889, c. 108.

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.

Boarding houses for infants under five years of age must be licensed, visited and inspected. St. 1889, c. 416.

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.

The appeal shall be to the superior court to be tried by a jury at its bar. If a person fails to appeal within the time allowed he can have leave to enter his appeal within thirty days, provided he has in the mean time conformed to the order. St. 1889, c. 193, § 1.

SECT. 89. Pending the appeal, the board may authorize the continuance of such trade, and then proceedings by the board are suspended. St. 1889, c. 193, § 1.

SECT. 90. The verdict may be enforced by injunction or other order in equity. St. 1889, c. 193, § 2.

SECT. 91. If the appellant has been authorized to continue his trade, he shall not recover damages. St. 1889, c. 193, § 1.

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. 98-100, giving the State board supervision of sources of water supply, and power to make orders concerning them, are repealed. St. 1884, c. 154, § 2.

SECTS. 96 *et seq.* The State board of health is given oversight of all inland waters. It shall make examinations, experiments and recommend measures to prevent pollution, and advise towns and cities as to water supplies, drainage and sewerage. Towns and cities must consult the board. Petitions to the legislature must be accompanied by its recommendation. It must enforce the law, and report cases requiring further legislation. St. 1888, c. 375.

SECTS. 96-105. A town or city may contract with any other town or city to contribute for sewers to protect its water supply. St. 1888, c. 160.

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.

Cemetery corporations must keep records of all conveyances of burial lots and contracts in relation thereto. Such records have the same effect as if made in the registry of deeds. St. 1889, c. 299.

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, § 1.

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, § 3.

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, §§ 5-7.

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. 37. 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.

SECT. 39. The State board of lunacy and charity may transfer any pauper lunatic to insane asylum at the State almshouse. St. 1888, c. 69.

SECT. 44. St. Mary's infant asylum must also notify the State board of the reception of infants having no known settlement. St. 1883, c. 232, § 2.

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 Baldwinsville 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.

A grant is made to the hospital cottages for children for the purchase of land and erection of buildings. The board may place there such number of children as may be approved by the trustees and superintendent. St. 1889, c. 230.

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.

A hospital for dipsomaniacs and inebriates is established. St. 1889, c. 414.

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 before 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. Further 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. Sts. 1883, c. 148; 1889, c. 90.

SECT. 37. The punishment of persons leaving the almshouse and begging is increased. St. 1884, c. 258, § 1.

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. 47-49. These sections are repealed and the county receptacle for the insane at Ipswich is discontinued. St. 1887, c. 207.

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.

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.

SECT. 45. Boys also may be discharged for mental incapacity or bodily infirmity. St. 1889, c. 123.

CHAPTER 89.

OF THE STATE PRIMARY AND REFORM SCHOOLS AND THE VISITATION AND REFORMATION OF JUVENILE OFFENDERS.

SECT. 2. 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. 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. 33. No witness fees or other charge payable to a city or town are to be taxed for any officer who has a fixed compensation, except his expenses to a place other than his residence or for the use of a team. St. 1889, c. 469.

SECT. 49, which requires notice of committals to the State primary school to be given to the overseers of the poor of the place of the child's settlement, who may remove him or shall pay for his board, is repealed. St. 1888, c. 248, § 2.

SECT. 51, which provides that when a person having a settlement is committed to the industrial or reform school the overseers of the poor of the place of settlement shall be notified, and the town or city shall pay for his board with the right to recover it back from any parent, kindred or guardian liable by law to maintain such person, is repealed. St. 1888, c. 248, § 2.

CHAPTER 90.

OF CONTAGIOUS DISEASES AMONG CATTLE, HORSES AND OTHER DOMESTIC ANIMALS.

A new board of cattle commissioners is provided for. St. 1885, c. 378. 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.

The commissioners are authorized to lease Tisbury Great pond. St. 1889, c. 354.

Land may be flowed for the purpose of fish culture. St. 1889, c. 383.

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.

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 town of Randolph may regulate the taking of alewives, shad and smelts in certain streams, and the commissioners on inland fisheries are given authority over the streams. St. 1889, c. 78.

The town of Bourne may sell the right to take alewives in Herring river at auction. St. 1889, c. 202.

The fisheries in the tributaries of Plum island bay are protected. St. 1887, c. 105.

Pickeral may not be taken in any other manner than by an artificially or naturally baited hook and hand line. St. 1888, c. 331.

A bounty is given for the destruction of seals. St. 1888, c. 287.

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 except 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. 318.

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 Mer-

rimack 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.

SECTS. 51, 53. The close time for trout, land-locked salmon and lake trout is extended in Berkshire county to include August and April. St. 1888, c. 276.

SECT. 55. Shad are protected in Mill river in Essex. St. 1888, c. 126.

SECT. 68. The taking of eels and shell-fish may be prohibited as well as regulated. St. 1889, c. 391.

SECTS. 68, 69. The planting, cultivating and digging of clams in Gloucester is authorized under the direction of the mayor and aldermen. St. 1889, c. 64.

SECT. 70. The fish weirs mentioned in this section are not affected by St. 1886, c. 192, § 4.

SECTS. 73-75. The owners of traps or other contrivances for catching lobsters must make returns. They must also mark their names and residences thereon. St. 1889, c. 109.

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.

SECTS. 81 *et seq.* Further provision is made for the protection of female lobsters. The commissioners may occupy not exceeding six small estuaries for the purpose of investigating the habits, propagation and distribution of lobsters. St. 1889, c. 109.

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.

St. 1887, c. 96, § 1, does not apply to scallops taken for bait in the waters adjacent to Nantucket. St. 1888, c. 238.

The taking of scallops in the head waters of Buzzard's bay is regulated. St. 1888, c. 223.

The planting of clams around the shores of Winthrop is regulated. St. 1888, c. 202.

The planting of clams around the shores of Essex is regulated. St. 1888, c. 198.

SECTS. 97-101. Oyster licenses may be granted for any waters where there are no natural oyster beds. St. 1884, c. 284.

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.

SECT. 2. The close time for woodcocks and ruffed grouse, commonly called partridge, is changed. St. 1888, c. 292.

The shooting of black duck in Plymouth harbor or bay is regulated. St. 1888, c. 269.

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. 199, § 2. Shooting wild fowl from boats in the waters in and around Nantucket is forbidden. St. 1886, c. 246.

Chapter 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 Con-

necticut 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, § 2, 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, § 2.

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.

Many descriptions of labor are excepted from the prohibition of this section. St. 1887, c. 391, § 2.

SECT. 3, which forbids travelling, is repealed. St. 1887, c. 391, § 4.

SECT. 13. 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 of 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.

Licenses may be transferred from one place to another by leave of the licensing board under restrictions. St. 1889, c. 344.

The number of places which may be licensed for the sale of intoxicating liquor is limited. St. 1888, c. 340.

A recount of the ballots on the question of license may be had in cities under the provisions of St. 1884, c. 299, §§ 22-26. St. 1885, c. 262.

In Boston licenses are to be signed by the police commissioners. St. 1885, c. 83.

Ballots upon the question of granting licenses are to be furnished in towns by the secretary of State. Registering ballot-boxes must be used. In cities the question must be printed upon the regular ballots with the words "yes" or "no," one to be erased by the voter. St. 1888, c. 434.

Self-registering and cancelling ballot-boxes must be used in taking the vote on the question of granting liquor licenses. St. 1888, c. 434, § 6.

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.

Nor on Fast day, Memorial day, Thanksgiving day, Christmas day or the twenty-sixth day of December when Christmas falls on Sunday. St. 1888, c. 254.

In case of special elections liquors may be sold in wards in which no elections are held. St. 1889, c. 186.

The sale of liquor on labor day is forbidden. St. 1889, c. 347.

SECT. 10. No license of the first five classes shall be granted to be exercised in a dwelling-house, or store having an interior connection with a dwelling or tenement, and such connection makes a license void. St. 1888, c. 139.

A condition is added to licenses of the first, second and third classes forbidding the sale or gift of liquor in violation of the law forbidding it on election days. St. 1888, c. 262.

The condition against selling or giving away liquor on election days applies to licenses of the third and fourth class, except those held by wholesale druggists. St. 1889, c. 361.

The condition against selling liquor on election days is extended to licenses of the fourth and fifth class, except those of wholesale druggists. St. 1889, c. 361.

No license of the sixth class shall be granted to any person who is not a registered pharmacist actively engaged in business on his own account. St. 1889, c. 270.

SECT. 11. The minimum fee for liquor licenses is fixed at a larger amount. St. 1888, c. 341.

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.

The form of bond is changed by substituting the words "incurred by violation of such provisions of law," for the words "which may be recovered from him under and pursuant to such provisions of law." St. 1888, c. 283.

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.

This section is revised. The punishment shall be both fine and imprisonment. Persons holding licenses of the sixth class do not forfeit them by violating their provisions. The provision requiring the mayor and aldermen of cities and the selectmen of towns to prosecute violations of this section is omitted. St. 1889, c. 114.

St. 1889, c. 114, does apply to pending cases or offences committed before its passage. St. 1889, c. 268.

SECT. 24. Sales to minors are forbidden, either for their own use, the use of their parents or of any other person. The action is limited to two years. St. 1889, c. 390.

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.

Beverages containing more than one per cent. of alcohol shall be deemed intoxicating, instead of those containing more than three per cent. St. 1888, c. 219.

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.

SECTS. 30. 33. All implements of sale and furniture used or kept and provided to be used in the illegal keeping or sale of the liquor are also to be seized. St. 1888, c. 297.

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.

Implements of sale and furniture may be destroyed or sold as the court may order by any officer qualified to serve criminal process, he making return. St. 1888, c. 297.

SECT. 40. Ten dollars and the fees allowed by law for analysis are added to the costs now allowed in certain cases. St. 1888, c. 277.

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.

Cities, except Boston, and towns may provide for the registration and licensing of plumbers, and regulate the materials, construction and inspection of their work and make plans for it subject to the approval of the board of health. St. 1888, c. 105.

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. 1884, 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. 35 is amended so that any district police officer may also enter and examine pawnshops. St. 1888, c. 243.

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. 80-82, 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.

City and town clerks must give a bond to account for money received for dog licenses. St. 1888, c. 320.

The clerks must pay over the money received from dog licenses on the first days of June and December instead of on 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 law relative to damages done by dogs to sheep, lambs, fowls or other domestic animals is revised. St. 1889, c. 454.

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. 116-119. 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 are forbidden. St. 1887, c. 445.

CHAPTER 103.

OF THE DISTRICT AND OTHER POLICE.

The district police is divided into an inspection department and a detective department. St. 1888, c. 113.

SECT. 1. The number of the district police is increased to thirty-three, of whom twenty are in the inspection department. Sts. 1885, c. 131; 1887, c. 256; 1888, cc. 389; 426, § 13.

District police need no longer be examined by a judge. St. 1884, c. 190.

St. 1884, 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 16-18 of chapter 104 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, §§ 4-6.

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.

SECT. 4-12. Any member of the inspection department of the district police may, when called upon by the authorities, inspect buildings alleged to be unsafe, and order them removed or made safe. St. 1888, c. 399.

SECT. 6. Where there is no city engineer or chief engineer, the mayor

and aldermen or the selectmen may appoint some person to sit in their place. St. 1888, c. 399, § 3.

A copy of the plans and such portion of the specifications as he may require of any building designed for certain public purposes, as factories or mercantile establishments, hotels, lodging or tenement houses, above a certain size, shall be submitted to the inspector of factories. He may require proper provisions against fire. His certificate, with the endorsement of the chief of the district police, shall be conclusive evidence that this act has been complied with. St. 1888, c. 316.

Such buildings shall have sufficient ways of egress and other means of escape from fire. The position of hot pipes is regulated and wooden flues and air ducts are forbidden. The erection of a building in violation of this act may be enjoined. St. 1888, c. 316.

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. 15-20. These sections are repealed. The provisions as to precautions against fires, fire escapes and the egress from buildings in case of fire are revised and extended. The proscenium of all theatres must have a fire-resisting curtain approved by the inspectors. St. 1888, c. 426.

SECTS. 15-18. Hotels, lodging houses or boarding houses above a fixed size must have watchmen, lights in the halls, gongs and notices describing the means of escape. 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.

The inspector of buildings in Boston may allow any family hotel in said city to dispense with a private watchman. St. 1888, c. 86.

SECTS. 14-22. The authority of the inspectors to enforce sections 14 to 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.

Theatres must have approved fire-resisting curtains. St. 1888, c. 426, § 1.

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.

Public buildings and school-houses must be provided with proper sanitary provisions and ventilation. St. 1888, c. 149.

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. 1884, c. 330.

Corporations mentioned in St. 1882, c. 106, § 1, upon filing the copy and statement required by St. 1884, c. 330, are relieved from making the returns and certificates as to their condition and capital stock required by St. 1882, c. 106, §§ 1, 2.

Manufacturing corporations established under the laws of other States which have complied with St. 1884, c. 330, may purchase and hold such real estate in this Commonwealth as may be necessary for conducting their business. St. 1888, c. 321.

Safe deposit, loan and trust companies are made subject to all the duties, restrictions and liabilities set forth in this chapter. St. 1888, c. 413.

SECTS. 14, 15. These sections are repealed. The supreme judicial court may remove any officer for violations, already committed, of section 14. St. 1889, c. 222, §§ 1, 2.

SECT. 24. No record is necessary to the transfer of stock. St. 1884, 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.

They may appropriate not over five thousand dollars, or five hundred dollars annually, for the support of free beds in hospitals for the use of their employees. St. 1889, c. 258.

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. Sts. 1884, c. 180; 1887, c. 214, §§ 62, 63.

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, sections 13, 14. It must not be used for domestic purposes unless connected with a chimney or flue. St. 1885, c. 240.

SECT. 13. Buildings for manufacturing and mechanical purposes, as well as hotels and public halls, are included in this section. St. 1888, c. 116.

SECT. 27. The clause forbidding any person from casting as proxy more than fifty votes, unless all the shares so represented are owned by one person, is repealed. St. 1888, c. 188.

SECTS. 51, 52. Gas companies may be authorized to furnish electric light and power. St. 1887, c. 385.

SECTS. 54, 55, 59, 81, 82, 84. Every corporation chartered since Feb. 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.

SECTS. 54 *et seq.* At the request of any stockholder made in writing between sixty and thirty days before the annual meeting the corporation shall file a list of its stockholders as of the sixtieth day with the secretary of the Commonwealth. St. 1889, c. 222, § 3.

SECTS. 62-71, which impose personal liability, apply to safe deposit, loan and trust companies. St. 1888, c. 413, § 14.

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, §§ 3, 4.

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.

All provisions of law granting authority to erect, lay and maintain and

to regulate telegraph and telephone lines conveying intelligence by electricity apply to telephone lines, whether operating by electricity or otherwise. St. 1889, c. 434.

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 land-owner'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. 26. The form of return may be changed to conform to the requirements of the interstate commission after one month's notice. The blanks must be furnished by June 15. St. 1889, c. 328, § 2.

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.

SECT. 54. The clause forbidding any person from casting more than fifty votes as proxy, unless all the shares so represented are owned by one person, is repealed. St. 1888, c. 188.

SECTS. 58-60. 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. 81. The accounts are to be closed June 30, and the report transmitted before the first Wednesday of September. St. 1889, c. 328.

SECTS. 81 *et seq.* Every railroad corporation operating a railroad in the State must make quarterly financial statements in such detail and at such times as the commissioners may require, which shall be open to public inspection. St. 1889, c. 241.

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.

SECTS. 117-138. Wood which obstructs the view at crossings may be cut. St. 1889, c. 371.

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.

SECTS. 129, 138. 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.

St. 1882, c. 265, applies to railroad corporations acting under this section.

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.

Or electric signals. St. 1888, c. 240.

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.

SECTS. 181-183. Railroad corporations are prohibited from requiring women and children to ride in smoking cars. St. 1888, c. 176.

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. 207. The offence of interfering with electric signals is enlarged by omitting the word "electric." St. 1884, c. 5.

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. 13. The clause providing that no person shall, as proxy or attorney, cast more than fifty votes unless all the shares are owned by one person is repealed. St. 1889, c. 210.

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.

SECTS. 27 *et seq.* They may not permit children under ten to enter their cars to sell newspapers or other articles. St. 1889, c. 229.

Street railway companies may mortgage their roads in certain cases, and sections 63-70 of chapter 112 apply. St. 1889, c. 316.

SECTS. 48 *et seq.* The authority for street railway companies to run over the tracks of another street railway must be approved by the board of railroad commissioners after hearing. St. 1888, c. 278.

CHAPTER 115.

OF ASSOCIATIONS FOR CHARITABLE, EDUCATIONAL AND OTHER PURPOSES.

Provision is made for the incorporation of labor or trade organizations. St. 1888, c. 134.

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 railroad 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 by trustee process or otherwise. St. 1886, c. 125.

SECTS. 3-5. Corporations for life and casualty insurance on the assessment plan may be formed. St. 1885, c. 183, § 2.

SECT. 3. Corporations formed under this chapter may increase their capital stock to an amount not exceeding five hundred thousand dollars. St. 1888, c. 177.

SECTS. 8-12, which regulate benefit societies, are repealed. St. 1888, c. 429, § 21.

The law as to fraternal beneficiary organizations is revised. St. 1888, c. 429.

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 SAVINGS.

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.

SECTS. 1, 2. The board is increased to three, one of whom is chairman. The salary of the chairman is \$3,500 and of the other members \$3,000, instead of \$2,800. St. 1889, c. 321.

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.

The salary of the second clerk of the commissioners is increased from \$900 to \$1,200. St. 1889, c. 77.

SECT. 3. When the institution is connected with a national bank the commissioners shall if possible arrange with the national bank examiner to have their visits simultaneous. St. 1888, c. 51.

SECT. 11. No person or corporation may carry on the business of receiving deposits under the name of a savings bank unless incorporated here. St. 1889, c. 452.

SECT. 14. Treasurers must give new bonds every five years. St. 1886, c. 93.

It is made the duty of the treasurer, instead of the trustees, to file a copy of his bond and to give notice of any changes. A certificate of the custodian of the bond that the original is in his possession must be added. St. 1889, c. 180.

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. 17. If a member fails to attend two consecutive annual meetings, his membership shall be declared forfeited. St. 1888, c. 120.

SECT. 18. A failure both to attend meetings and to perform his duties makes the office of a trustee vacant, instead of either of these things. St. 1888, c. 96.

Savings banks shall carry on their usual business at their banking houses only, and shall not receive or pay deposits at any other place, and such banking houses shall be in the city or town where such corporation is established, but annual meetings of the corporation and meetings of the

trustees may be held at other place in such city or town. Sts. 1884, c. 253; 1889, c. 91.

Savings banks shall, at least once in each fiscal year, make an accurate trial balance of depositors' ledgers. St. 1889, c. 88.

SECT. 19. The limitation as to the amount of deposits does not apply to deposits made by direction of the probate court. St. 1889, c. 86.

SECTS. 19 *et seq.* Deposits made by order of the court after five years are to be paid into the State treasury, where it shall remain at three per cent. interest for fifteen years more, subject to claim by the owner, after which it becomes the property of the State. St. 1889, c. 449.

The limitation as to interest does not apply to deposits by order of the probate court. St. 1889, c. 449, § 1.

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; 1888, cc. 53, 90, 301.

"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.

Loans with railroad bonds as collateral may be made to the par value of such bonds. St. 1888, c. 213.

Savings banks may invest in first mortgage bonds of railroads incorporated and in part located in New England, notwithstanding the road is leased. St. 1889, c. 305.

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.

SECT. 21. The president and treasurer are also forbidden to borrow or use or become sureties or obligors to the bank. St. 1889, c. 161.

SECTS. 13, 21-23. The names of the board of investment must be published twice each year. St. 1882, c. 50.

SECT. 27. The payment of extra dividends is made permissive instead of obligatory. St. 1888, c. 355.

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.

SECT. 34. During 1889 and every third year thereafter books of deposit must be called in for verification. St. 1888, c. 40.

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.

The form and verification of the annual report to the commissioners is changed. St. 1888, c. 127.

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.

No person or corporation may carry on business under the name of a co-operative bank unless incorporated here. St. 1889, c. 452.

Co-operative banks must make an annual return, under oath, to the commissioners of savings banks. St. 1889, c. 159, § 2.

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. 121, § 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.

Before paying off matured shares, arrears and fines are to be deducted. St. 1882, c. 251, § 1.

SECT. 10. 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. 13. The real estate must be situated in the Commonwealth. St. 1889, c. 159, § 1.

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. Sts. 1882, c. 251, § 1; 1885, c. 121, § 4.

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.

Provision is made for the incorporation of safe deposit, loan and trust companies. Their organization, powers, liabilities and duties are established. Provision is made for their taxation and their returns. St. 1888, c. 413.

Safe deposit, loan and trust companies are forbidden to invest in certain farm mortgages or farm mortgage companies. St. 1889, c. 342.

No person or corporation established under the laws of another State or country may carry on here a banking, mortgage loan and investment or trust business under a name previously used by a corporation established here. St. 1889, c. 452.

CHAPTER 118b.

OF MORTGAGE, LOAN AND INVESTMENT COMPANIES.

The business, investments and liability of the stockholders, of mortgage loan and investment companies is regulated. They must make returns to the savings bank commissioners and are examined by them. St. 1888, c. 387.

No person or corporation established under the laws of another State or country may carry on here a banking, mortgage loan and investment business or trust business under a name previously used by a corporation established under the laws of this State. St. 1889, c. 452.

The supervision of foreign corporations engaged in selling or negotiating bonds, mortgages, notes or other choses in action is provided for. St. 1889, c. 427.

CHAPTER 119.

OF INSURANCE COMPANIES AND INSURANCE.

The insurance law is revised and codified. St. 1887, c. 214.

Title insurance companies may examine and guarantee titles to personal property as well as real estate. St. 1889, c. 278.

Accident insurance companies may insure the liability of employers for injuries received by persons in their employ. St. 1889, c. 356.

SECT. 2-4. The amount allowed for additional clerks and assistants is changed from \$7,000 to such sum as the general court may appropriate each year. St. 1888, c. 84.

SECT. 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. 29. The capital stock of companies insuring mechanics' tools may be divided into shares of the par value of ten dollars each. St. 1888, c. 141.

SECT. 139. The selection of arbitrators under policies in the standard form is regulated. St. 1888, c. 151.

SECTS. 145 *et seq.* Nothing in the charter of any mutual life insurance company shall limit its investments unless such limitation is in the general insurance laws. St. 1888, c. 165.

SECT. 145. Life and casualty insurance on the assessment plan is regulated. St. 1885, c. 183.

The organization and business of fraternal beneficiary organizations is regulated. Foreign corporations must appoint the commissioner agent. Any person who solicits membership for corporations not authorized to do business here may be punished. The benefits are not held for the debts of the certificate holder or of any beneficiary. St. 1888, c. 429.

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 120.

OF THE ALIENATION OF REAL ESTATE.

SECT. 1. Where a deed or other writing affecting land has been duly recorded in one registry an office copy may be recorded in any other registry. St. 1889, c. 448.

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.

SECT. 17. The claim of the husband or wife may after notice be determined in the probate court. St. 1889, c. 234.

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.

Words importing a want or failure of issue are to be construed to mean a want or failure in the lifetime or at the death of the person referred to and not an indefinite failure of issue, unless a contrary intention clearly appears by the instrument. St. 1888, c. 273.

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 129.

OF THE PROBATE OF WILLS AND THE APPOINTMENT OF EXECUTORS.

A decree allowing a will is conclusive for many purposes, after two years from such decree, in favor of persons who have acted on it in good faith. St. 1889, c. 435.

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.

A decree adjudicating the intestacy of an estate is conclusive for many purposes after two years in favor of persons who have acted on it in good faith. St. 1889, c. 435.

SECTS. 2, 8. Administrators may be allowed to give a bond without sureties. If they neglect to give a new bond when required it is a resignation. St. 1885, c. 274.

SECT. 4. Administration may be granted for cause upon particular property more than twenty years after the person's death. St. 1889, c. 192.

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 132.

GENERAL PROVISIONS RELATIVE TO EXECUTORS AND ADMINISTRATORS.

SECT. 1. The giving of the notice may be proved in certain cases by the affidavit of persons other than those mentioned in St. 1888, c. 148. St. 1888, c. 380.

SECT. 2. The requirement that the notice shall be filed within one year is repealed. St. 1888, c. 148.

SECTS. 1-4. In cases where no affidavit of notice has been filed, and it cannot now be obtained, the court on petition of any person interested in any real estate affected, after notice and hearing, may decree that notice was given. St. 1889, c. 315.

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.

SECT. 12. The giving of the notice may be proved in certain cases by the affidavit of persons other than those mentioned in St. 1888, c. 148. St. 1888, c. 380.

The requirement that the affidavit shall be filed within one year is repealed. St. 1888, c. 148.

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 136.

OF THE PAYMENT OF DEBTS, LEGACIES AND DISTRIBUTIVE SHARES.

SECTS. 19 *et seq.* Where a legatee is under age and has no guardian the court may order the legacy paid into a savings bank under c. 144, § 16. St. 1889, c. 185.

CHAPTER 139.

OF GUARDIANSHIPS.

SECTS. 1-3. The Boston Children's Friend Society may be appointed the guardian of minors. St. 1885, c. 362.

SECTS. 29 *et seq.* Guardians residing out of the State must appoint an agent here. Pub. Sts., c. 132, §§ 11-13 apply to them. St. 1889, c. 462.

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 141.

OF TRUSTS.

SECTS. 4-11. Trustees residing out of the State must appoint an agent here. Pub. Sts., c. 132, §§ 11-13 apply to them. St. 1889, c. 462.

SECT. 23. To the purposes for which trust estates may be mortgaged is added that of paying for improvements of a permanent nature made or to be made upon such estate. St. 1889, c. 66.

CHAPTER 142.

GENERAL PROVISIONS RELATIVE TO SALES, MORTGAGES, RELEASURES, COMPROMISES, ETC., BY EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

SECT. 14. This section is extended to administrators with the will annexed. Those claiming as legatees or devisees, whose interests will in the opinion of the court be affected, are to be made parties. St. 1889, c. 266.

SECT. 23. This section is extended so that any act or proceeding of the probate court, which it might have done in the first instance, may be confirmed. St. 1888, c. 420.

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. 1887, c. 214, § 61.

Companies may be formed to act as sureties on probate bonds. St. 1887, c. 214, §§ 29, 61.

CHAPTER 144.

OF THE ACCOUNTS AND SETTLEMENTS OF EXECUTORS, ADMINISTRATORS, 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.

SECTS. 13, 14, which provide for the appointment of a guardian ad litem to examine the accounts of trustees and guardians, are extended to executors and administrators, and the decree is in a like manner final. St. 1889, c. 466.

SECT. 16. Legacies to minors without guardians may also be deposited under this section. St. 1889, c. 185.

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 gross and confirmed drunkenness caused by the use of opium or other drugs. St. 1889, c. 447.

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 divorces 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.

SECT. 1. The wife cannot, without his written consent, destroy or impair the husband's life estate in one-half her lands where there is no issue. St. 1889, c. 204.

SECTS. 1, 6. A married women 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. 31-33, 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. 12-14. 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.

SECT. 16. Where an appeal or exceptions are not entered the court below may affirm the judgment. St. 1888, c. 94.

SECTS. 21-23, 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.

Each of the justices is allowed five hundred dollars annually in full compensation for travelling expenses in addition to his salary. St. 1888, c. 274, § 1.

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 thirteen associate justices instead of ten in the superior court. Sts. 1886, c. 31; 1888, c. 58.

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. Criminal terms are established at Taunton on the first Monday of February and of November and at New Bedford on the first Monday of June, and the civil term at New Bedford is changed from June to May. St. 1888, c. 314.

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.

The sittings of the superior court for civil business in Norfolk are changed from the fourth Mondays of April, September and December to the first Mondays of January, May and October. St. 1889, c. 287.

In Dukes county from the last Tuesday of May to the last Tuesday of April. St. 1889, c. 308.

In Essex the September sitting is to be adjourned to Lawrence and Haverhill. St. 1889, c. 461.

In Franklin the sittings now held on the third Monday of March and the second Monday of August are changed to the third Monday of April and the second Monday of July. St. 1889, c. 327.

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.

SECT. 28. 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.

The salary of the chief justice is raised from \$4,800 to \$5,500, and that of the associate justices from \$4,500 to \$5,000, with \$500 for travelling expenses in each case. St. 1888, c. 274, § 2.

CHAPTER 143

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.

The first district court of Northern Worcester shall be held at Gardner and Athol, or either of said towns, as public convenience may require, instead of on certain fixed days. St. 1888, c. 212.

The district court of Hampshire shall be held at Ware on Friday of each week, instead of the first, second and third Fridays of each month. St. 1889, c. 122.

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.

The second district court of Essex is established with a district including Amesbury and Merrimac. St. 1888, c. 193.

Stoneham is made a part of the fourth district of Eastern Middlesex. St. 1889, c. 312.

The town of Wilmington is transferred from the first to the fourth district court of Eastern Middlesex. St. 1888, c. 59.

Rockport is annexed to the district of Gloucester. St. 1888, c. 249.

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. The second district of Eastern Middlesex. St. 1883, c. 97. The district court of Hampshire. St. 1883, c. 80. The municipal court for the Dorchester district. St. 1885, c. 79. The police court of Brookline. St. 1888, c. 60. The third district of Plymouth. St. 1889, c. 137.

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 at a salary of \$500. St. 1887, c. 274.

An assistant clerk is provided for the municipal court for 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.

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, and 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. 29. The treasurers of the several counties shall cause proper dockets and blanks as nearly uniform as may be to be printed for the several trial justices and police and district courts in criminal cases, except the East Boston district court and the Chelsea police court. St. 1888, c. 285.

SECT. 30. Process is to bear the teste of the first justice who is not a party. St. 1888, c. 415.

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. 36. This section is amended to require the witness fees to be paid in criminal proceedings and inquests at the termination of the trial,

an advance being made by the county treasurer if necessary. It applies to all the lower courts except the municipal court of Boston. St. 1888, c. 180.

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. The number of associate justices of the municipal court in Boston shall be four. Sts. 1882, c. 41; 1888, c. 419, § 11.

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.

The clerk of the municipal court of Boston for civil business shall be paid one thousand dollars in addition to the amount which he now receives. St. 1888, c. 419, § 13.

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
Third Bristol, 1889, c. 54,	1,400	1,800
Brockton, 1885, c. 155,	-	1,600
Brookline, 1882, c. 233,	-	800
Brookline, 1884, c. 211,	800	1,000
Charlestown, 1889, c. 227,	1,800	2,000

JUSTICES' SALARIES — *Continued.*

	From	To
Dorchester, 1885, c. 79,	\$1,200	\$1,600
East Boston, 1882, c. 245; 1886, c. 15,	1,200	1,800
First Bristol, 1884, c. 220; 1889, c. 261,	1,400	1,800
First Essex, 1882, c. 245,	1,600	1,800
Fitchburg, 1882, c. 245; 1889, c. 97,	1,000	1,500
Gloucester, 1888, c. 234,	1,400	1,600
Eastern Hampden, 1889, c. 130,	800	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
Lawrence, 1888, c. 110,	1,800	2,000
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
First Northern Middlesex, 1889, c. 198,	800	1,000
First Southern Middlesex, 1889, c. 12,	1,200	1,500
Newburyport, 1882, c. 245,	700	1,200
East Norfolk, 1889, c. 263,	1,200	1,500
Fourth Plymouth, 1889, c. 281,	800	1,000
Roxbury, 1889, c. 217,	2,000	2,500
Somerville, 1882, c. 245; 1887, c. 180,	1,200	1,500

JUSTICES' SALARIES — *Concluded.*

	From	To
South Boston, 1882, c. 245; 1889, c. 242,	\$1,800	\$2,500
Springfield, 1887, c. 171,	1,800	2,000
West Roxbury, 1883, c. 111,	1,200	1,600
Central Worcester, 1888, c. 50,	2,500	3,000
First Eastern Worcester, 1884, c. 208,	800	1,000
Second Eastern Worcester, 1882, c. 245; 1889, c. 158,	800	1,200
First Northern Worcester, 1884, c. 215,	—	1,200
Second Southern Worcester, 1888, c. 173,	1,200	1,400
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; 1888, c. 89,	500	800
Southern Berkshire, 1886, c. 333; 1887, c. 227,	—	500
Boston, Civil, 1882, c. 245,	2,250	3,000
Boston, Civil, first assistant, 1889, c. 39,	1,800	2,500
Boston, Civil, second assistant, 1889, c. 143,	—	2,000
Boston, Civil, third assistant, 1889, c. 170,	—	1,000
Boston, Criminal, 1885, c. 137,	2,250	3,000
Boston, Assistant Criminal, 1885, c. 137,	—	1,400
First Bristol, 1889, c. 261,	1,000	1,100
Third Bristol, 1889, c. 41,	800	1,000
Brockton, 1885, c. 155,	—	800
Brookline, 1888, c. 60,	—	500

CLERKS' SALARIES — *Continued.*

	From	To
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; 1889, c. 289,	500	800
Gloucester, 1883, c. 53; 1888, c. 235,	600	1,000
Western Hampden, 1886, c. 190; 1888, c. 88,	-	500
Hampshire, 1883, c. 80; 1886, c. 106,	-	1,000
Haverhill, 1882, c. 245; 1888, c. 55,	600	1,000
Holyoke, 1884, c. 65; 1887, c. 318,	750	1,350
Lawrence, 1887, c. 208,	1,000	1,200
Lowell, 1882, c. 63; 1886, c. 307,	1,000	1,800
Lowell, Assistant, 1889, c. 152,	-	1,000
Marlborough, 1882, c. 233; 1889, c. 19,	-	500
First Eastern Middlesex, 1882, c. 87; 1886, c. 167,	800	1,300
Second Eastern Middlesex, 1883, c. 97; 1885, c. 180; 1888, c. 233,	400	700
Third Eastern Middlesex, 1882, c. 233; 1886, c. 165,	-	1,400
Fourth Eastern Middlesex, 1882, c. 233; 1887, c. 174,	-	800
First Northern Middlesex, 1888, c. 214,	400	600
First Southern Middlesex, 1886, c. 156,	600	800
Newburyport, 1882, c. 245; 1889, c. 277,	600	800
Newton, 1886, c. 158,	500	700
East Norfolk, 1888, c. 54,	600	700
First Plymouth, 1883, c. 57,	500	600

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CLERKS' SALARIES — *Concluded.*

	From	To
Third Plymouth, 1889, c. 137,	—	\$500
Roxbury, Assistant, 1889, c. 239,	—	1,000
Somerville, 1882, c. 245; 1887, c. 265,	\$600	1,000
South Boston, 1882, c. 245,	1,200	1,400
South Boston, Assistant, 1887, c. 327,	—	600
Springfield, 1886, c. 155; 1889, c. 28,	1,000	1,400
West Roxbury, 1887, c. 274; 1889, c. 92,	—	800
Central Worcester, Clerk, 1889, c. 83,	2,000	2,250
Central Worcester, Assistant, 1882, c. 245,	800	1,000
Second Eastern Worcester, 1882, c. 245; 1889, c. 218,	400	600
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; 1888, c. 195,	1,200	1,500
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; 1889, c. 174,	1,000	1,200
West Roxbury, 1886, c. 148,	800	1,000

The clerk of the fourth district court of Plymouth is allowed his travelling expenses not exceeding one hundred dollars. St. 1884, c. 204.

The clerks of the Lowell police court and of the central district court of

Worcester are allowed not exceeding five hundred dollars for extra clerical assistance. St. 1888, cc. 184, 246. And the clerk of the first district court of Eastern Middlesex not exceeding seven hundred dollars. St. 1889, c. 317. And the clerk of the municipal court for the Charlestown district and of the second district court of Bristol not exceeding five hundred dollars each. St. 1889, cc. 62, 206.

Clerks pro tempore of municipal, police and district courts shall receive pay at the same rate as the permanent clerk, fourteen days being paid by the county and any excess by the clerk. St. 1888, c. 352.

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.

SECTS. 7-11. Provision is made for the preservation of the dockets, records and other official papers of trial justices. St. 1888, c. 211.

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. 149.

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. 69. The treasurers of the several counties shall cause proper dockets and blanks, as nearly uniform as may be, to be printed for the use of trial justices and police and district courts in criminal cases, except the East Boston district court and the Chelsea police court. St. 1888, c. 285.

SECT. 78 is repealed. Trial justices may 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.

Any act or proceeding of the probate court which it had power to do in the first instance may be confirmed. St. 1888, c. 420.

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. 7, 8. The provisions as to the mode of entering appeals and giving notice are revised. St. 1888, c. 290, §§ 1, 2.

Appeals from different accounts may be entered as one or may be consolidated and treated as one by the court. St. 1888, c. 290.

SECTS. 22, 23. The probate judge in Suffolk may appoint a constable of the city of Boston to attend his court 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 in November is added, 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.

Probate courts are to be held at Plymouth on the second Monday of every month except August, and at Brockton on the fourth Monday of every month except July. St. 1889, c. 237.

The change in the time of the probate courts in Plymouth does not take effect until May 1. St. 1889, c. 269.

The probate courts shall be held at Lowell on the fourth Tuesday of every month except August, instead of every other month. St. 1889, c. 182.

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.

Special judgments may be entered in cases where composition proceedings are had. St. 1888, c. 405.

In composition proceedings the notice by the register is made the commencement of the proceedings. St. 1889, c. 406, § 1.

In composition proceedings the discharge dissolves any attachment made within four months prior to the notice by the register. St. 1889, c. 406, § 2.

Section 6 of St. 1884, c. 236, is amended so that the debtor may file a modification of his proposal, which shall be considered as a new proposal, and new notice shall then be sent to the creditors. St. 1889, c. 406, § 3.

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. 40. Non-resident assignees must appoint an agent resident here on whom service may be made. St. 1889, c. 313.

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.

A mortgage recorded more than four months after its date is not valid against the assignee of the mortgagor appointed in proceedings begun after its date and within one year after the recording thereof. St. 1888, c. 393.

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.

SECTS. 96 *et seq.* Any mortgage, pledge or payment for legal services rendered or to be rendered shall be valid for such sum as the court shall deem reasonable. St. 1889, c. 420.

SECT. 99. If the debtor is absent or does not apply for an allowance it may be made to his wife or minor children. St. 1888, c. 67.

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.

SECT. 127. Provision is made for the repayment of the deposit when it is made by a person other than the insolvent. St. 1889, c. 417.

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 \$4,000. Sts. 1882, c. 129; 1886, c. 184; 1889, c. 251.

In Essex, from \$2,500 to \$3,500. Sts. 1883, c. 244; 1888, c. 112. In Bristol, from \$1,800 to \$2,500. Sts. 1885, c. 165; 1889, c. 211. 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. In Worcester, from \$1,500 to \$1,800. St. 1888, c. 152.

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, \$1,350. St. 1887, c. 39; 1889, c. 209. In Suffolk, \$3,300. Sts. 1885, c. 205; 1888, c. 280; 1889, c. 418. In Essex, \$1,000. St. 1886, c. 114. In Bristol, \$400. St. 1889, c. 136.

SECT. 24. This section shall not apply to Suffolk. St. 1885, c. 205.

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, but not on executions. St. 1885, c. 321.

SECTS. 8, 9. A third assistant clerk of the superior court, civil session, in Suffolk is to be appointed at a salary of \$2,500. St. 1888, c. 153.

A fourth assistant clerk of the superior court for civil business in Suffolk may be appointed at a salary of \$2,500. St. 1889, c. 50.

A second assistant clerk shall be appointed in Middlesex and in Essex. Sts. 1889, cc. 11, 444.

Where there are two or more assistant clerks, they need not add first or second to their signatures. St. 1889, c. 215.

SECT. 27. The clerks need not render an account of their fees to the county treasurer in January. St. 1888, c. 257, § 9.

SECTS. 28-30. The salaries of the clerks of the courts in the counties are established, and are to be paid by the county treasurer, and shall be in full for all services performed by them. St. 1888, c. 257, §§ 1, 2.

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.

The books and accounts of the clerks are determined. St. 1888, c. 257, § 4.

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.

The fee for admission to the bar shall be five dollars. St. 1888, c. 257, § 5.

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.

They have no fees unless their report is filed within ninety days. St. 1888, c. 282.

SECT. 51. The probate court may appoint auditors in certain cases. St. 1888, c. 311.

The fee for a rule to an auditor shall be one dollar. St. 1888, c. 257, § 5.

SECTS. 56-63. Provision is made for continuing the publication of the reports. The salary of the reporter is increased from \$300 to \$4,000, and the price of the reports is reduced to \$1.50 per copy. St. 1889, c. 471.

SECT. 67. The number of officers for each session held without juries is increased from two to three. The officers appointed under this section shall have the power to serve venire for jurors and the processes of said court, being paid their actual expenses. They shall give bond. St. 1888, c. 357.

SECT. 68. Deputies in attendance on the supreme judicial court in Suffolk, not exceeding four in number, are paid a salary of \$1,700 instead of \$4.50 per day and travel. Sts. 1882, c. 232; 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.

Additional officers are paid for travel and service actually performed. St. 1882, c. 232.

SECT. 69. Officers attending the superior court are paid \$1,500 instead of \$1,400 as before. St. 1882, c. 245, § 3.

The deputy sheriffs and constables in attendance at the superior court in Suffolk shall wear uniforms for which they are allowed \$100 annually. St. 1888, c. 371.

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. Their duties are defined. They may be removed. 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.

The salaries of the official stenographers are increased from \$2,000 to \$2,500. St. 1889, c. 324.

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. 27. Writs run to a return day instead of a term. St. 1885, c. 384, § 5.

SECT. 62. The copies of the writ, etc., where an attachment of real estate is made, are to be deposited in the registry of deeds in all cases, instead of in the clerk's office in some counties. St. 1889, c. 401.

SECTS. 122 *et seq.* Bonds to dissolve attachments must contain an additional provision for special judgments in cases of composition. St. 1888, c. 405.

SECTS. 123-125. Where the principal is discharged in insolvency, in proceedings begun within four months, it discharges the sureties. St. 1889, c. 470.

CHAPTER 162.

OF ARREST, IMPRISONMENT AND DISCHARGE.

All notices, certificates, and other processes where the court has a clerk shall be under the seal of the court, signed by the clerk and bear teste of the justice. St. 1889, c. 415, § 2.

SECTS. 17, 18, 25, 27, 28, 31, 34, 54. Courts of record or police, district or municipal courts or, except in the county of Suffolk, trial justices are given exclusive jurisdiction of poor debtor proceedings, but masters in chancery and commissioners may take recognizances. St. 1888, c. 419.

SECTS. 18-20. The same steps of notice and examination must be had where the other charges in section 17 are made which are now provided for the first charge. St. 1887, c. 442, §§ 1, 2.

SECT. 18. The notices may be served by any officer qualified to serve civil process. St. 1889, c. 415, § 1.

SECT. 20. The expiration of the time for the return of the original execution does not interrupt the proceedings, but an arrest may be ordered upon an alias. If the time expires after the order and before the arrest, a certified copy of the certificate is to be attached to the alias. St. 1889, c. 415, § 3.

Certain transfers of property after the service of the notice and pending the proceedings thereon are a contempt of court. St. 1888, c. 419, § 3.

SECTS. 27 *et seq.* There shall be no unreasonable delay in acting on the part of the court. No appeal is allowed except as provided in this chapter. St. 1888, c. 419, § 12.

If the arrest is made when the court is not in session, and the debtor does not wish to give bail or recognize, he may be delivered to the keeper of the jail, who detains him until the next coming in of the court and then re-delivers him to the officer. St. 1889, c. 415, § 5.

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.

SECT. 33. Where a discharge is refused no new notice or application can be made until the expiration of seven days from the hour of such refusal. St. 1888, c. 419, § 8.

SECT. 36. Provision is made for the confinement of the person arrested pending his examination. St. 1889, c. 415, § 4.

The fees of the court, magistrate and officer are fixed. All fees received by the justice or clerk of any court are to be accounted for. St. 1889, c. 415, §§ 6, 7.

SECT. 68. The fees are changed and the mode of their recovery. They are to be accounted for. St. 1888, c. 419, § 13.

CHAPTER 163.

OF BAIL.

SECT. 12. The bail is 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 processes 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 absolutely 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.

A daily trial list for the civil session of the superior court in Suffolk must be printed. No case can be put on after twelve o'clock and no case postponed after two except by order of the court. St. 1889, c. 459.

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.

SECTS. 69, 70. Provision is made for the proof of rules of boards of aldermen, ordinances of cities and by-laws of towns and of records of cities and towns. St. 1889, c. 387.

CHAPTER 170.

OF JURIES.

SECT. 10. No venire for jurors for the supreme judicial court in Barnstable shall issue unless there is some case for trial by jury. St. 1889, c. 173.

SECT. 24. Special regulations are established for the preparation of the jury list in Boston. St. 1888, c. 123.

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 is repealed. 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 175.

OF THE SUMMARY PROCESS FOR THE RECOVERY OF LAND.

SECTS. 6-8. A bond instead of a recognizance is to be given in all cases. St. 1888, c. 325.

CHAPTER 176.

OF PETITIONS FOR THE SETTLEMENT OF TITLE.

After possession for twenty years by the mortgagor 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.

Provision is made for determining the validity, nature and extent of conditions, restrictions, reservations, stipulations and agreements more than thirty years old which appear of record and affect the title to land. St. 1889, c. 442.

CHAPTER 178.

OF THE PARTITION OF LAND.

SECTS. 2, 9, 75 are extended so that land lying in different counties may be divided in one proceeding. St. 1888, c. 346.

SECT. 13. The affidavit for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384, § 14.

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 of 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.

SECT. 69. Partition is not defeated because a party has paid a mortgage, lien, tax or other incumbrance which the other parties are entitled to redeem, but the decree shall contain terms of redemption, which must be performed before final judgment. St. 1889, c. 468.

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.

SECT. 27. But the mortgagee may proceed with any sale already advertised unless the amount due is paid into court or the sale enjoined. St. 1888, c. 433.

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. 38. The claimant is given an execution for the amount due him with costs, and the trustee is held for the remainder. A trustee who has been defaulted is discharged for any amount which he may have paid on the original execution, and is liable to the claimant only for the rest. The provision as to proceedings under c. 161, §§ 80, 82, 83 is omitted. St. 1888, c. 345.

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.

Bonds to prosecute review must have a provision for special judgments in cases of composition with creditors. St. 1888, c. 405.

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 191.

OF LIENS ON BUILDINGS AND LAND.

SECT. 12. This section, providing that the petition may be inserted in a writ, is repealed. St. 1888, c. 344, § 4.

SECT. 13. The words "whether filed as a petition or inserted in a summons" are struck out. St. 1888, c. 344, § 1.

SECT. 17. Where parties are absent or cannot be served with notice, the petition shall stand continued until such notice shall be given as the court or justice shall direct. St. 1888, c. 344, § 3.

The provision for notice to the owner of the land and the debtor is changed; the form, the mode of service and the fees are established. The order may be made by the justice of the court as well as the clerk. St. 1888, c. 344, § 2.

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.

SECT. 24. Courts in the county where the petitioner has his usual place of business as well as where he resides are given jurisdiction. St. 1888, c. 46.

CHAPTER 195.

OF THE COLLECTION OF CLAIMS AGAINST THE COMMONWEALTH.

SECTS. 1, 7. 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 197.

OF THE LIMITATION OF PERSONAL ACTIONS.

Actions to recover forfeitures for selling liquor to a minor are limited to two years. St. 1889, c. 390.

CHAPTER 198.

OF COSTS IN CIVIL ACTIONS.

SECT. 25 is repealed. 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. 4. In lieu of entry, clerk's term fees, the fee for taxing costs and issuing execution, a fee of three dollars is to be paid in advance, and the same fee in criminal cases in lieu of the entry and all other clerk's fees. St. 1888, c. 257, § 3.

Where the record will be of unusual length, the prevailing party may be ordered to pay a sum in addition to the entry fee. St. 1888, c. 257, § 7.

The clerks shall collect all fees in advance. St. 1888, c. 257, § 8.

Clerk's term fees are abolished. St. 1889, c. 433.

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 is repealed. Appraisers may be allowed what is just and reasonable instead of one dollar per day. St. 1886, c. 135.

CHAPTER 202.

OF OFFENCES AGAINST THE PERSON.

SECT. 27 is repealed. The age of consent in case of rape is raised from ten years to fourteen. Sts. 1886, c. 305; 1888, c. 391.

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 made a crime. St. 1882, c. 236.

SECT. 10. Burglary armed. A minimum penalty of ten years is fixed. St. 1888, c. 135.

SECT. 11. Burglary unarmed. If such offender has been convicted of any offence named in sections 10 or 11, the minimum penalty is five years. St. 1888, c. 135.

SECT. 20. If property not exceeding one hundred dollars in value is stolen from a common carrier, the penalty is imprisonment not exceeding three years or a fine not exceeding five hundred dollars. St. 1889, c. 458.

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 made a crime. St. 1886, 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.

Municipal, district and police courts are given concurrent jurisdiction with the superior court of malicious injuries to personal property where the value is not alleged to exceed one hundred dollars. The penalty is established. St. 1887, c. 293, § 2.

SECT. 103. The malicious defacing of milk cans is punished. St. 1885, c. 133.

SECT. 106. The punishment for injury to the property of the Humane Society is increased: the fine from one hundred to two hundred dollars, and the imprisonment from ninety days to six months. One-half the fine is given to the person giving information upon which a conviction is obtained. St. 1889, c. 399.

SECTS. 107-109. The wilful or negligent setting of fires is made a crime. 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.

Interference with police signal systems is made an offence. St. 1888, c. 291.

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 years 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.

Sending any woman or girl to enter as an inmate or as a servant any house of ill-fame is made an offence. Proprietors or keepers of employment offices who personally or through an employee send any woman or girl to enter any house of ill-fame as aforesaid, the character of which could have been ascertained on reasonable inquiry, are punished. Detaining or attempting to detain or administering any drug for the purpose of detaining any woman or girl in such house is made a crime. St. 1888, c. 311.

SECT. 9. Where death is alleged to have resulted from an unlawful attempt to produce a miscarriage, the dying declarations of the woman shall be admissible in evidence. St. 1889, c. 100.

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.

SECTS. 27, 28. The punishment of female persons for a second offence of drunkenness is made the same as that of men. St. 1888, c. 377.

SECT. 28. Keeping any place for opium smoking, the selling or giving away opium at such place, or resorting to it to smoke, is made a crime. 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. 50. Whoever, without authority, removes any flowers, flags or memorial tokens from any grave, tomb, monument or burial lot is punished. St. 1888, c. 395.

SECT. 52. The docking of the tails of horses is forbidden. One-half the fine is given to the Society for the Prevention of Cruelty to Animals when the case is prosecuted upon their complaint or information. St. 1889, c. 267.

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.

The feeding of garbage, refuse or offal, or the possession of it with intent to feed it to any milch cows, is punished. St. 1889, c. 326.

The regulations as to the sale of poisons are revised. St. 1888, c. 209.

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 209a.

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 section 2, clause 7, is to be sold or disposed of under section 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 is repealed. 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 repealed. 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.

SECTS. 15, 30. The charge for the support of such insane person at the hospital to which he is committed, or at any institution to which he may be transferred, is paid by the State. Sts. 1883, c. 148; 1889, c. 90.

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.

The order of the trial list must be observed, unless otherwise ordered by the court for cause shown. St. 1889, c. 432.

SECTS. 19, 20. The charge for the support of such insane person at the hospital to which he is committed, or at any institution to which he may be transferred, is paid by the State. Sts. 1883, c. 148; 1889, c. 90.

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. 15. But the same term of imprisonment may be imposed as if the sentence were to be executed in the State prison. St. 1889, c. 113.

CHAPTER 216.

OF FIRE INQUESTS.

This chapter is repealed and the law as to fire inquests is revised. St. 1889, c. 451.

CHAPTER 217.

OF FINES, FORFEITURES AND COSTS.

SECT. 8. Instead of copies of bills of costs being transmitted they may be entered on a schedule which shall be transmitted to the treasurer, who shall pay the persons entitled. St. 1888, c. 257, § 6.

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 is repealed. 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.

The commissioners of prisons may expend for clerical assistance a sum not exceeding \$2,500 annually. St. 1888, c. 328.

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. 17, 18. These sections which relate to the employment of convicts in the State prison and the reformatory prisons are repealed. St. 1888, c. 403, § 6.

SECTS. 26-30. Aid is provided for female prisoners whose cases are disposed of without sentence. St. 1886, c. 177.

The commissioners may expend for aiding discharged female prisoners a sum not exceeding three thousand dollars annually. St. 1888, c. 417.

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 prisoners may expend two thousand dollars more for the assistance of prisoners discharged from the Massachusetts reformatory. St. 1887, c. 395.

There may be advanced to the commissioners of prisoners under St. 1884, c. 179, for aiding prisoners discharged from the Massachusetts reformatory a sum not exceeding five hundred dollars at any time. From it prisoners removed to other institutions and discharged may also be assisted. St. 1888, c. 322.

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.

SECT. 27. The limit of the salary of the agent for aiding discharged female prisoners is increased from \$700 to \$775, and is paid from the State treasury instead of from the appropriation for aiding discharged female prisoners. St. 1888, c. 330.

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 \$2,500. St. 1888, c. 328.

CHAPTER 220.

OF JAILS AND HOUSES OF CORRECTION.

Any authority or control given by this chapter to the county commissioners, or to the board of directors of public institutions of the city of Boston, over matters connected with the employment of prisoners in any house of correction, is transferred to the general superintendent of prisons and the master of such house of correction. St. 1888, c. 403, § 8.

In every city of over thirty thousand inhabitants one police station or more must be designated as stations for the detention of women, and police matrons must be appointed whose duties are defined. St. 1887, c. 234.

The provisions of St. 1887, c. 234, shall apply to cases where women are taken to or received at a police station for detention or lodging as well as to women arrested. St. 1888, c. 181.

SECT. 2. The sheriff may remove prisoners at his discretion between jails and houses of correction. St. 1882, c. 241, § 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.

Contracts for the manufacture of articles by the piece under the piece-price system are not forbidden. St. 1888, c. 22.

The master must establish and maintain the industries fixed upon under St. 1887, c. 447. St. 1888, c. 403, § 1.

The number of persons who may be employed is regulated. St. 1888, c. 403, § 2.

The purchase of tools, implements and materials and the sale of manufactured goods are provided for. St. 1888, c. 403, § 3.

Suits with reference to contracts under the acts relating to the employment of prisoners may be referred to arbitrators appointed by the county commissioners, or referees. St. 1888, c. 403, § 4.

No provision for the employment of prisoners upon the piece-price plan shall be made except with the approval of the general superintendent of prisons. St. 1888, c. 403, § 5.

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.

The warden of the state prison and the superintendent of the reformatories must establish and maintain the industries fixed upon under St. 1887, c. 447. St. 1888, c. 403, § 1.

The superintendent of the Massachusetts reformatory and the general superintendent of prisons are charged with the duty of establishing industries, instead of the commissioners. St. 1888, c. 403, § 7.

Contracts for the manufacture of articles by the piece under the piece-price system are not forbidden. St. 1888, c. 22.

No provision shall be made for the employment of prisoners upon the piece-price plan except with the approval of the general superintendent of prisons. St. 1888, c. 403, § 5.

The purchase of tools, implements and materials and the sale of manufactured goods are regulated. St. 1888, c. 403, § 3.

The number of persons who may be employed is regulated. St. 1888, c. 403, § 2.

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.

No person shall be sentenced to the Massachusetts reformatory who is above forty years of age or who has been previously sentenced more than three times to fine or imprisonment. St. 1888, c. 49.

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.

SECTS. 6, 7 are repealed. St. 1882, c. 203, § 4.

The list of officers of the Massachusetts reformatory is revised, and their salaries are established. St. 1889, c. 408.

The list of officers of the State prison is revised and their salaries are established. St. 1889, c. 412.

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. 27. The clause forbidding the employment of a convict in printing is repealed. St. 1888, c. 189.

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.

SECTS. 43 *et seq.* The commissioners of prisons shall have solely the same right to release from or return to a jail, house of correction or the Boston house of industry a prisoner transferred thereto from the reformatory prison for women which they would have had if she had not been so transferred. St. 1888, c. 192.

SECT. 44. The office of treasurer and steward at the reformatory prison is abolished and the duties transferred to the superintendent. He may appoint a steward. St. 1883, c. 267.

SECT. 45. In case of the absence or inability of the superintendent, or of a vacancy, the deputy superintendent acts. A superintendent pro tempore may be appointed. 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.

The salaries of matrons, deputy matrons and assistant matrons are severally increased \$50. St. 1888, c. 327.

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.

The time when a permit to be at liberty under St. 1884, c. 255, § 33, voted by the commissioners of prisons, shall issue to a prisoner held in the Massachusetts reformatory may be decided by a committee or by their secretary. St. 1888, c. 317.

Bills for the maintenance of said institutions and for the pay rolls of officers and employees must also be approved by a majority of the commissioners. St. 1889, c. 294.

SECTS. 54, 55. The commissioners of prisons are not required to approve bills with reference to the labor of prisoners, nor they nor the governor and council to approve contracts with reference to such labor. St. 1888, c. 403, § 7.

SECTS. 54-58, 60. The provisions as to the treasurer and steward now apply to the superintendent. St. 1883, c. 267.

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, § 2.

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. Recommittments 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.

 STATUTES OF THE COMMONWEALTH.

[The changes are more fully stated under the appropriate chapter of the Public Statutes.]

 Statutes, 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.

1882 — *Continued.*

CHAPTER 36.

AN ACT RELATIVE TO NOTICES IN CASES OF INJURIES RECEIVED
ON HIGHWAYS.

Amended. St. 1888, c. 114. P. S., c. 52.

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 77.

AN ACT TO PROVIDE FOR THE CUSTODY OF BOOKS AND PAPERS
OF INSOLVENT SAVINGS BANKS.

Amended. St. 1884, c. 72. P. S., c. 116.

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. 13.

1882—*Continued.*

CHAPTER 108.

AN ACT TO AUTHORIZE COUNTY COMMISSIONERS TO CONTROL TRAVEL OVER BRIDGES CONSTRUCTED OR MAINTAINED WHOLE OR IN PART BY A COUNTY.

Section 1, amended. St. 1888, c. 313. P. S., c. 53.

CHAPTER 111.

AN ACT AUTHORIZING THE TREASURER AND RECEIVER-GENERAL TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE.

Repealed. St. 1886, c. 38. P. S., c. 16.

CHAPTER 127.

AN ACT RELATING TO JUVENILE OFFENDERS.

Section 2, amended. St. 1886, c. 101, § 4. P. S., c. 89.

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 148.

AN ACT TO ESTABLISH THE SALARIES OF THE CLERKS OF THE BOARD OF COMMISSIONERS OF SAVINGS BANKS.

Amended. St. 1889, c. 77. P. S., c. 116.

CHAPTER 157.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT DISTRICT-ATTORNEY FOR THE EASTERN DISTRICT.

Affected. St. 1888, c. 289. P. S., c. 17.

CHAPTER 158.

AN ACT IN RELATION TO THE RETURNS OF BIRTHS BY PHYSICIANS AND MIDWIVES.

Amended. St. 1889, c. 288. P. S., c. 32.

1882—*Continued.*

CHAPTER 163.

AN ACT FOR THE PROTECTION OF FORESTS AGAINST FIRES.

Affected. St. 1886, c. 296, § 3. P. S., c. 35.

CHAPTER 165.

AN ACT RELATING TO THE ASSESSMENT OF TAXES ON THE PERSONAL ESTATE OF INSOLVENTS, JOINT OWNERS AND TENANTS IN COMMON.

Amended. St. 1887, c. 125. P. S., c. 11.

CHAPTER 166.

AN ACT RELATIVE TO FISHING IN THE MERRIMAC RIVER.

Section 1, amended. St. 1884, c. 317. P. S., c. 91.

CHAPTER 176.

AN ACT PROVIDING FOR A CLERK FOR THE POLICE COURT OF CHELSEA.

In part repealed. St. 1884, c. 197. P. S., c. 154.

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.

CHAPTER 181.

AN ACT RELATING TO INDIGENT AND NEGLECTED CHILDREN.

Section 3, amended. Sts. 1886, c. 330; 1888, c. 248. Sections 1, 2, 3, amended. St. 1886, c. 101, § 4. P. S., c. 48.

CHAPTER 195.

AN ACT ENLARGING THE POWERS AND DUTIES OF ASSOCIATIONS FOR CHARITABLE AND OTHER PURPOSES.

Section 1, repealed. St. 1888, c. 429, § 21. P. S., c. 119.

1882 — *Continued.*

CHAPTER 196.

AN ACT CONCERNING THE STATE LIBRARY.

Repealed. St. 1888, c. 24. P. S., c. 5.

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.

Repealed. St. 1888, c. 264, § 3. P. S., c. 221.

CHAPTER 205.

AN ACT CONCERNING THE SALARIES OF THE JUSTICES OF THE
SUPERIOR COURT.

Repealed. St. 1888, c. 274, § 3. P. S., c. 152.

CHAPTER 212.

AN ACT TO ESTABLISH AN AGRICULTURAL EXPERIMENT STATION.

Reports provided for. St. 1883, c. 105. Section 2, amended.
St. 1888, c. 333. P. S., c. 20.

CHAPTER 217.

AN ACT PROVIDING FOR RETURNS OF PROPERTY HELD FOR LIT-
ERARY, BENEVOLENT, CHARITABLE OR SCIENTIFIC PURPOSES.

Section 1, amended. St. 1888, c. 323. Affected. St. 1887, c. 32.
P. S., c. 11.

CHAPTER 227.

AN ACT TO ESTABLISH THE DISTRICT COURT OF HAMPSHIRE.

Section 3, amended. St. 1889, c. 122. P. S., c. 154.

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.

1882 — *Continued.*

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, cc. 165, 166. Section 6, in part superseded. St. 1889, c. 19. 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 243.

AN ACT CONCERNING THE REDEMPTION OF ESTATES SOLD FOR TAXES AND OTHER ASSESSMENTS.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

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. Sts. 1886, cc. 15, 37, 130, 166; 1888, c. 195; 1889, cc. 97, 158, 174, 218, 277, 289. P. S., cc. 154, 159.

CHAPTER 247.

AN ACT RELATING TO THE CORRECTION OF NAMES UPON TAX BILLS, ETC.

Repealed. St. 1884, c. 298, § 53. P. S., c. 6.

1882 — *Concluded.*

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 in part. 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; 1886, c. 171. Affected. St. 1885, c. 352, § 5. Section 5, amended. St. 1886, c. 101, § 4. 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. Section 3, amended. St. 1886, c. 101, § 4. 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.

Statutes, 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, § 11. 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 54.

AN ACT RELATING TO THE SALARY OF THE MESSENGER OF THE SUPERIOR COURT IN THE COUNTY OF SUFFOLK.

Superseded. St. 1886, c. 37. P. S., c. 159.

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 101.

AN ACT RELATING TO THE TIME WITHIN WHICH A CITY OR TOWN SHALL SELL REAL ESTATE HELD UNDER A SALE OR TAKEN FOR NON-PAYMENT OF TAXES.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

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 110.

AN ACT RELATIVE TO THE TRIAL OF JUVENILE OFFENDERS.

Amended. St. 1886, c. 101, § 4. P. S., c. 89.

1883—*Continued.*

CHAPTER 117.

AN ACT TO PROMOTE SAFETY AT RAILROAD GRADE CROSSINGS.

Amended. St. 1888, c. 240. P. S., c. 112.

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 138.

AN ACT RELATIVE TO NOTICES FROM LOCAL BOARDS OF HEALTH IN CASES OF SMALL-POX.

Amended. St. 1886, c. 101, § 4. P. S., c. 80.

CHAPTER 148.

AN ACT TO PROVIDE FOR THE SUPPORT OF THE CRIMINAL INSANE BY THE COMMONWEALTH.

Sections 2, 3, amended. St. 1889, c. 90. P. S., c. 87.

CHAPTER 157.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS AND WOMEN.

Limited. St. 1884, c. 275, § 4. Affected. St. 1887, c. 280. 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. 16.

CHAPTER 187.

AN ACT IN RELATION TO BOARDING HOUSES AND BOARDING-HOUSE KEEPERS.

Affected. St. 1884, c. 169. P. S., c. 102, § 13.

1883—*Continued.*

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. Affected. St. 1888, c. 403, § 2.
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.

CHAPTER 223.

AN ACT GRANTING JURISDICTION IN EQUITY TO THE SUPERIOR
COURT.

Section 5, amended. St. 1884, c. 316. P. S., c. 151.

CHAPTER 224.

AN ACT RELATING TO THE EMPLOYMENT OF CHILDREN IN MAN-
UFACTURING AND OTHER ESTABLISHMENTS.

Repealed. St. 1888, c. 348, § 12. P. S., c. 48.

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 232.

AN ACT RELATING TO INDIGENT AND NEGLECTED CHILDREN.

Section 3, amended. St. 1886, c. 101, § 4. P. S., c. 84.

CHAPTER 235.

AN ACT CONCERNING THE ADMINISTRATION OF THE STATE
DEPARTMENT OF INSURANCE.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

1883—*Concluded.*

CHAPTER 239.

AN ACT CONCERNING THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

In part repealed. St. 1886, c. 298. Section 6, amended. St. 1886, c. 101, § 4. P. S., c. 87.

CHAPTER 244.

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF ESSEX.

Superseded. St. 1888, c. 112. P. S., c. 158.

CHAPTER 251.

AN ACT TO SECURE BETTER PROVISIONS FOR ESCAPE FROM HOTELS AND CERTAIN OTHER BUILDINGS IN CASE OF FIRE.

Affected. St. 1888, c. 86. Section 2, repealed. St. 1888, c. 426, § 14. P. S., c. 104.

CHAPTER 252.

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT WOMEN WHO ARE ATTORNEYS-AT-LAW SPECIAL COMMISSIONERS, Etc.

Extended. St. 1889, c. 197. P. S., c. 18.

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, § 112. 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.

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.

Statutes, 1884.

CHAPTER 4.

AN ACT RELATIVE TO THE EMPLOYMENT OF A SECOND CLERK IN THE BUREAU OF STATISTICS OF LABOR.

Superseded. St. 1888, c. 115. P. S., c. 31.

CHAPTER 15.

AN ACT CONCERNING THE EMPLOYMENT OF CLERKS AND OTHER ASSISTANCE IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

Section 1, repealed. St. 1889, c. 101. P. S., c. 15.

CHAPTER 34.

AN ACT TO EXTEND THE LIMITATION OF TIME FOR THE PAYMENT OF STATE AID TO INVALID PENSIONERS AND THEIR DEPENDENT RELATIVES.

Repealed. St. 1889, c. 301, § 10. P. S., c. 30.

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.

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.

1884 — *Continued.*

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 79.

AN ACT TO FIX THE SALARY OF THE SECRETARY OF THE COMMONWEALTH.

Superseded. St. 1888, c. 385. P. S., c. 15.

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 95.

AN ACT IN RELATION TO THE SALARY OF THE ENGINEER OF THE STATE PRISON AT CONCORD.

Repealed so far as inconsistent with St. 1888, c. 264. P. S., c. 221.

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.

CHAPTER 119.

AN ACT IN RELATION TO DEPOSITS MADE BY DOMESTIC INSURANCE COMPANIES, ETC.

Repealed. St. 1887, c. 214, § 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.

1884 — *Continued.*

CHAPTER 125.

AN ACT RELATING TO THE DIVISION OF CITIES INTO WARDS

Repealed. St. 1888, c. 437, § 6. P. S., c. 28.

CHAPTER 162.

AN ACT RELATIVE TO THE DISPOSITION OF RESIDUES FROM
SALES OF REAL ESTATE FOR UNPAID TAXES.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

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 171.

AN ACT TO LIMIT THE TIME WITHIN WHICH TROUT, LAND-
LOCKED SALMON AND LAKE TROUT MAY BE TAKEN.

Amended. St. 1888, c. 276. P. S., c. 91.

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.

1884 — *Continued.*

CHAPTER 179.

AN ACT AUTHORIZING ADVANCES TO OFFICERS ENTRUSTED WITH THE DISBURSEMENT OF PUBLIC MONEYS.

Affected. St. 1888, c. 322. P. S., c. 16.

CHAPTER 180.

AN ACT AUTHORIZING THE FORMATION OF CORPORATIONS TO EXAMINE AND GUARANTEE TITLES TO REAL ESTATE.

Superseded. St. 1887, c. 214, §§ 62, 63. Extended. St. 1889, c. 378. 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. Section 9, repealed. St. 1888, c. 437, § 6. 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 193.

AN ACT CONCERNING THE ORDER OF TRIALS IN CRIMINAL CASES.

Affected. St. 1889, c. 432. P. S., c. 214.

CHAPTER 212.

AN ACT FOR THE BETTER PROTECTION OF LOBSTERS.

Affected. St. 1885, c. 256. Amended. St. 1887, c. 314. P. S., c. 91.

CHAPTER 215.

AN ACT TO ESTABLISH THE FIRST DISTRICT COURT OF NORTHERN WORCESTER.

Section 3, amended. St. 1888, c. 212. P. S., c. 154.

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.

1884 — *Continued.*

CHAPTER 222.

AN ACT REQUIRING RAILROAD COMPANIES TO USE SAFETY COUPLERS ON FREIGHT CARS.

Affected. St. 1886, c. 242. P. S., c. 112.

CHAPTER 223.

AN ACT RELATING TO SAFETY APPLIANCES IN HOTELS AND PUBLIC BUILDINGS.

Section 2, amended. St. 1888, c. 86. P. S., c. 104.

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 234.

AN ACT CONCERNING ASYLUMS FOR THE CHRONIC INSANE.

Section 3, amended. St. 1886, c. 101, § 4. P. S., c. 87.

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 TO PROVIDE FOR COMPOSITION WITH CREDITORS IN INSOLVENCY.

Amended. Sts. 1885, c. 353; 1889, c. 406. Affected. St. 1888, c. 405. P. S., c. 157.

CHAPTER 242.

AN ACT CONCERNING SALES OF LAND BY CITIES AND TOWNS FOR TAXES.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

CHAPTER 247.

AN ACT EXTENDING THE AUTHORITY TO SUMMON WITNESSES.

Repealed. St. 1885, c. 141. P. S., cc. 155, 169.

1884—*Continued.*

CHAPTER 253.

AN ACT RELATIVE TO THE LOCATION IN WHICH A SAVINGS BANK OR INSTITUTION FOR SAVINGS MAY TRANSACT ITS PRINCIPAL BUSINESS.

Amended. St. 1889, c. 91. P. S., c. 116.

CHAPTER 255.

AN ACT TO ESTABLISH A REFORMATORY FOR MALE PRISONERS.

Added to. Sts. 1884, c. 331; 1885, c. 35. Affected. St. 1888, c. 49. Section 2, amended. St. 1886, c. 101, § 4. Sections 33, 34, affected. Sts. 1886, c. 323; 1888, c. 317. Sections 19, 22 are repealed. St. 1888, c. 335, § 3. Section 30 is repealed. St. 1888, c. 337, § 2. Sections 28, 30, amended. St. 1888, c. 403, § 7. P. S., c. 221.

CHAPTER 275.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS IN MERCANTILE ESTABLISHMENTS.

Section 4, affected. St. 1887, c. 280, § 1. P. S., c. 74.

CHAPTER 282.

AN ACT FOR THE PROTECTION OF GAME, Etc.

Repealed. St. 1887, c. 111. P. S., c. 92.

CHAPTER 284.

AN ACT RELATING TO THE PLANTING AND GROWING OF OYSTERS.

Affected. St. 1885, c. 220, § 1. P. S., c. 91.

CHAPTER 289.

AN ACT RELATING TO THE ADULTERATION OF FOOD AND DRUGS.

Sections 1, 2, amended. St. 1886, c. 101, § 4. P. S., c. 58.

CHAPTER 296.

AN ACT RELATING TO THE FORMATION OF COMPANIES TO GUARANTEE THE FIDELITY OF PERSONS, Etc.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 297.

AN ACT PROVIDING FOR THE APPOINTMENT OF TRUSTEES FOR THE STATE ALMSHOUSE AND THE STATE WORKHOUSE.

Section 4, amended. St. 1886, c. 101, § 4. P. S., c. 88.

1884 — *Continued.*

CHAPTER 298.

AN ACT TO ASCERTAIN BY PROPER PROOFS THE CITIZENS WHO ARE ENTITLED TO THE RIGHT OF SUFFRAGE.

Sections 11, 12, amended. St. 1888, c. 200. Section 14, affected. Sts. 1885, c. 246; 1887, c. 432. Amended. St. 1889, c. 69. Sections 20, 26, amended. St. 1889, c. 404, § 13. Section 25, amended. St. 1885, c. 271, § 6. Section 28, amended. St. 1886, c. 68. Section 32, amended. St. 1888, c. 164. P. S., c. 6.

CHAPTER 299.

AN ACT CONCERNING ELECTIONS AND VOTING THEREIN.

Affected. St. 1886, c. 264. Section 5, amended. St. 1885, c. 142. Section 27, limited. St. 1888, c. 353. Amended. St. 1885, cc. 5, 351. Sections 14-17, extended. St. 1887, c. 443. P. S., c. 7.

CHAPTER 304.

AN ACT RELATING TO PRACTICE IN THE SUPERIOR COURT.

Affected. St. 1889, c. 459. P. S., c. 167.

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. P. S., c. 56. Sections 3, 4, amended. St. 1886, c. 318. P. S., c. 57.

CHAPTER 318.

AN ACT TO PREVENT THE USE OF NETS IN PONDS.

Section 3, not affected. St. 1886, c. 234. P. S., c. 91.

CHAPTER 319.

AN ACT PROVIDING FOR THE COMPENSATION OF MEMBERS OF THE LEGISLATURE.

Superseded. St. 1886, c. 352. P. S., c. 2.

1884 — *Concluded.*

CHAPTER 320.

AN ACT TO IMPROVE THE CIVIL SERVICE OF THE COMMONWEALTH AND THE CITIES THEREOF.

Amended. Sts. 1887, c. 437; 1888, c. 41; 1889, c. 177. Affected. St. 1889, c. 473. Extended. St. 1889, c. 352. Section 4, amended. St. 1888, c. 334. Section 17, amended. St. 1889, c. 183. Section 19, amended. St. 1888, c. 253. Section 20, amended. St. 1889, c. 351.

CHAPTER 322.

AN ACT TO ESTABLISH A HOMEOPATHIC HOSPITAL FOR THE INSANE.

Sections 7, 9, amended. St. 1886, c. 101, § 4. P. S., c. 87.

CHAPTER 330.

AN ACT CONCERNING FOREIGN CORPORATIONS HAVING A USUAL PLACE OF BUSINESS IN THIS COMMONWEALTH.

Affected. St. 1886, c. 230. Sections 1, 2, extended. St. 1889, c. 393. P. S., c. 105.

Statutes, 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. 16.

CHAPTER 52.

AN ACT IN RELATION TO CLERICAL ASSISTANCE FOR THE COMMISSIONERS OF PRISONS.

Repealed. St. 1888, c. 328. P. S., c. 219.

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.

1885 — *Continued.*

CHAPTER 131.

AN ACT TO INCREASE THE DISTRICT POLICE.

Affected. St. 1887, c. 256. P. S., c. 103.

CHAPTER 134.

AN ACT AUTHORIZING THE SUPERIOR COURT TO HOLD SESSIONS BY ADJOURNMENT AT BROCKTON IN THE COUNTY OF PLYMOUTH.

In part repealed. St. 1886, c. 218. P. S., c. 152.

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. 90.

CHAPTER 156.

AN ACT RELATING TO THE SUBDIVISION OF CITIES FOR THE PURPOSE OF TAKING THE DECENNIAL CENSUS.

Repealed. St. 1888, c. 437, § 6. P. S., c. 28.

CHAPTER 158.

AN ACT TO FURNISH THE STATE BOARD OF HEALTH, LUNACY AND CHARITY WITH AN OFFICER OF THE DISTRICT POLICE TO COLLECT CERTAIN INFORMATION FOR THE BOARD.

Amended. St. 1886, c. 101, § 4. P. S., c. 80.

CHAPTER 165.

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF BRISTOL.

Superseded. St. 1889, c. 211. P. S., c. 158.

1885—*Continued.*

CHAPTER 168.

AN ACT TO ESTABLISH THE SALARY OF THE DISTRICT ATTORNEY
FOR THE MIDDLE DISTRICT.

Superseded. St. 1889, c. 250. P. S., c. 17.

CHAPTER 173.

AN ACT EXTENDING THE STATE AID LAWS TO THE THREE
MONTHS' MEN TROOPS OF THE YEAR EIGHTEEN HUNDRED
AND SIXTY-ONE.

Repealed. St. 1889, c. 301, § 10. P. S., c. 30.

CHAPTER 193.

AN ACT TO PREVENT THE TAKING OF BLUE-FISH, Etc.

Repealed. St. 1887, c. 120. P. S., c. 91.

CHAPTER 194.

AN ACT TO PROMOTE THE ABOLITION OF GRADE CROSSINGS BY
RAILROADS AND HIGHWAYS.

Section 4, amended. St. 1887, c. 295. P. S., c. 112.

CHAPTER 204.

AN ACT IN RELATION TO THE PAYMENT OF STATE AID, Etc.

Repealed. St. 1889, c. 301, § 10. P. S., c. 30.

CHAPTER 205.

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

Section 1 is amended. St. 1888, c. 280. P. S., c. 158.

CHAPTER 214.

AN ACT TO INCREASE THE SALARY OF THE THIRD COMMISSIONER
OF STATE AID.

Repealed. St. 1889, c. 279, § 11. P. S., c. 30.

CHAPTER 216.

AN ACT PROHIBITING THE SALE OR DELIVERY OF INTOXICATING
LIQUORS ON ELECTION DAYS.

Limited. St. 1889, c. 186. Extended. St. 1889, c. 361. P. S., c. 100.

1885 — *Continued.*

CHAPTER 220.

AN ACT IN RELATION TO LICENSES TO PLANT, GROW AND DIG OYSTERS, AND TO THE TAKING OF SCALLOPS.

Section 3, repealed. St. 1888, c. 223, § 5. Section 4, repealed. St. 1887, c. 96. P. S., c. 91.

CHAPTER 222.

AN ACT RELATING TO THE EMPLOYMENT OF CHILDREN IN MANUFACTURING AND OTHER ESTABLISHMENTS.

Repealed. St. 1888, c. 348, § 12. P. S., c. 48.

CHAPTER 236.

AN ACT CREATING THE AMBULANCE CORPS, Etc.

Superseded. St. 1887, c. 411. P. S., c. 14.

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 ASSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 242.

AN ACT GIVING PROBATE COURTS AUTHORITY TO GRANT ORIGINAL ADMINISTRATION AFTER THE EXPIRATION OF TWENTY YEARS FROM THE DEATH OF AN INTESTATE.

Repealed. St. 1889, c. 192. P. S., c. 130.

CHAPTER 255.

AN ACT RELATING TO THE POWERS OF MARRIED WOMEN IN THE DISPOSAL OF THEIR SEPARATE ESTATE BY WILL OR DEED.

Affected. St. 1887, c. 290. P. S., c. 147.

CHAPTER 265.

AN ACT AUTHORIZING THE FORMATIONS FOR THE PURPOSE OF CREMATING THE BODIES OF THE DEAD.

Section 2, amended. St. 1886, c. 101, § 4. P. S., c. 82.

1885—*Continued.*

CHAPTER 271.

AN ACT RELATING TO THE ASSESSMENT AND REGISTRATION OF VOTERS.

Amended. St. 1889, c. 196. Section 1, amended. St. 1886, cc. 68, 264, § 3. Affected. St. 1889, c. 186. P. S., c. 6.

CHAPTER 277.

AN ACT TO ESTABLISH THE SALARIES OF THE COMMISSIONERS OF THE COUNTIES OF ESSEX, MIDDLESEX AND NORFOLK.

In part superseded. St. 1889, c. 303. P. S., c. 22.

CHAPTER 291.

AN ACT PROVIDING FOR THE APPOINTMENT OF OFFICIAL STE-
NOGRAPHERS FOR THE SUPERIOR COURTS.

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 312.

AN ACT TO LIMIT MUNICIPAL DEBT OF AND THE RATE OF TAXATION IN CITIES.

Various cities exempted from. Sts. 1886, c. 178; 1889, cc. 157, 172, 176. Section 4, amended. St. 1889, c. 372. P. S., c. 29.

1885— *Continued.*

CHAPTER 313.

AN ACT TO ESTABLISH A BOARD OF REGISTRATION IN PHARMACY.

Section 3, repealed. St. 1887, c. 267. P. S., c. 67a.

CHAPTER 314.

AN ACT TO ESTABLISH A BOARD OF GAS COMMISSIONERS.

Affected. St. 1888, c. 350. Section 1, amended. St. 1889, c. 373. Sections 6, 7, 9, 12, 13, 14, extended. St. 1887, c. 382. Section 7, amended. St. 1886, c. 346, § 2. P. S., c. 61.

CHAPTER 320.

AN ACT TO PROVIDE FOR THE REMOVAL OF THE INSANE PRISONERS FROM THE MASSACHUSETTS REFORMATORY.

Section 2, amended. St. 1886, c. 101, § 4. P. S., c. 222.

CHAPTER 321.

AN ACT TO PERMIT A CLERK OF THE SUPERIOR COURT AND OF THE MUNICIPAL COURT IN BOSTON TO IMPRINT A FACSIMILE OF HIS SIGNATURE UPON PROCESSES ISSUED BY HIM.

Repealed. St. 1886, c. 13. P. S., c. 161.

CHAPTER 326.

AN ACT TO PREVENT THE CONSTRUCTION OF WOODEN FLUES FOR HEATING OR VENTILATING PURPOSES.

Repealed. St. 1888, c. 426, § 14. P. S., c. 104.

CHAPTER 327.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH AN AGRICULTURAL EXPERIMENT STATION.

Affected. St. 1887, c. 31. P. S., c. 20.

CHAPTER 339.

AN ACT CONCERNING HOSPITAL TREATMENT FOR CERTAIN PERSONS SUBJECT TO DIPSO MANIA OR HABITUAL DRUNKENNESS.

Affected. St. 1889, c. 414. P. S., c. 87.

CHAPTER 341.

AN ACT RELATING TO WRECKS AND SHIPWRECKED GOODS.

Repealed. St. 1887, c. 98, § 16. P. S., c. 97.

1885 — *Concluded.*

CHAPTER 345.

AN ACT IN RELATION TO NATURALIZATION.

Amended. St. 1886, cc. 45, 203. Section 5, amended. St. 1887, c. 36. Section 7, repealed. St. 1887, c. 329. P. S., c. 160.

CHAPTER 352.

AN ACT IN RELATION TO THE INSPECTION AND SALE OF MILK AND BUTTER.

Amended. St. 1886, cc. 317, 318. P. S., cc. 56, 57.

CHAPTER 353.

AN ACT RELATING TO COMPOSITION WITH CREDITORS IN INSOLVENCY.

Affected. St. 1888, c. 405. P. S., c. 157.

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.

CHAPTER 369.

AN ACT CONCERNING THE PRINTING AND DISTRIBUTION OF CERTAIN REPORTS AND PUBLIC DOCUMENTS.

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

Statutes, 1886.

CHAPTER 31.

AN ACT TO INCREASE THE NUMBER OF ASSOCIATE JUSTICES OF THE SUPERIOR COURT.

Superseded. St. 1888, c. 58. P. S., c. 152.

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. 16.

1886—*Continued.*

CHAPTER 39.

AN ACT EXTENDING THE STATE AID LAWS TO THE ONE HUNDRED DAYS' TROOPS OF EIGHTEEN HUNDRED AND SIXTY-FOUR.

Repealed. St. 1889, c. 301, § 10. P. S., c. 30.

CHAPTER 49.

AN ACT TO REGULATE THE PRINTING AND DISTRIBUTING OF BALLOTS ON THE QUESTION OF GRANTING LICENSES FOR THE SALE OF INTOXICATING LIQUOR.

Superseded. St. 1888, c. 436. P. S., c. 7.

CHAPTER 51.

AN ACT IN RELATION TO THE COMPENSATION OF REFEREES, Etc.

Amended. St. 1887, c. 289. P. S., c. 188.

CHAPTER 63.

AN ACT IN AMENDMENT OF CHAPTER FOURTEEN OF THE PUBLIC STATUTES, Etc.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 68.

AN ACT IN RELATION TO THE ASSESSMENT AND REGISTRATION OF WOMEN AS VOTERS.

Amended. St. 1889, c. 196. P. S., c. 6.

CHAPTER 82.

AN ACT AUTHORIZING BAKERS TO MAKE SALES DURING CERTAIN HOURS OF THE LORD'S DAY.

Repealed. St. 1887, c. 391, § 4. P. S., c. 98.

CHAPTER 85.

AN ACT GIVING ADDITIONAL TIME FOR THE ASSESSMENT OF TAXES IN CERTAIN CASES.

Superseded. St. 1888, c. 362. P. S., c. 11.

CHAPTER 87.

AN ACT TO PROVIDE FOR THE WEEKLY PAYMENT OF WAGES BY CORPORATIONS.

Amended. St. 1887, c. 399. P. S., c. 74.

1886—*Continued.*

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 101.

AN ACT TO ESTABLISH A STATE BOARD OF HEALTH.

Section 3, amended. St. 1889, c. 370. P. S., c. 79.

CHAPTER 105.

AN ACT TO ENABLE THE QUARTERMASTER-GENERAL TO REQUIRE ANNUAL RETURNS, Etc.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 110.

AN ACT TO AMEND SECTION EIGHTEEN OF CHAPTER THIRTY OF THE PUBLIC STATUTES IN RELATION TO THE APPOINTMENT OF PERSONS TO INVESTIGATE CLAIMS FOR REIMBURSEMENT OF STATE AID UNDER SAID CHAPTER.

Repealed. St. 1889, c. 301, § 10. P. S., c. 30.

CHAPTER 130.

AN ACT RELATING TO THE SALARIES OF CERTAIN COURT OFFICERS IN THE COUNTY OF SUFFOLK.

In part superseded. St. 1888, c. 195. P. S., c. 154.

CHAPTER 155.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF SPRINGFIELD.

Superseded. St. 1889, c. 28. P. S., c. 154.

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 184.

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF THE PROBATE COURT FOR THE COUNTY OF MIDDLESEX.

Superseded. St. 1889, c. 251. P. S., c. 158.

1886—*Continued.*

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.

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Section 4, amended. St. 1887, c. 197. P. S., c. 91.

CHAPTER 202.

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Repealed. St. 1887, c. 120. P. S., c. 91.

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Affected. St. 1889, c. 402. P. S., c. 17.

CHAPTER 222.

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Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 231.

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Superseded. St. 1889, c. 465. P. S., c. 11.

CHAPTER 237.

AN ACT TO ESTABLISH THE SALARIES OF THE ADJUTANT-
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Superseded. St. 1887, c. 411, § 13. P. S., c. 14.

CHAPTER 241.

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Repealed. Sts. 1887, c. 179, § 2; 1888, c. 239. P. S., c. 41.

1886—*Continued.*

CHAPTER 251.

AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS OF WORCESTER, BRISTOL AND MIDDLESEX COUNTIES.

In part superseded. St. 1889, c. 339. P. S., c. 22.

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Amended. St. 1887, c. 269. Section 1, amended. St. 1888, c. 261. P. S., c. 74.

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Affected. St. 1888, c. 146. P. S., c. 7.

CHAPTER 274.

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Repealed. St. 1888, c. 375. P. S., c. 80.

CHAPTER 276.

AN ACT FOR THE BETTER PRESERVATION OF BIRDS AND GAME.

Section 1, amended. St. 1888, c. 292. Section 6, limited. St. 1887, c. 300. P. S., c. 92.

CHAPTER 283.

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Section 1, amended. St. 1889, c. 115. P. S., c. 28.

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Amended. St. 1888, c. 221. Affected. St. 1889, c. 191. P. S., c. 27.

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Section 4, repealed. St. 1887, c. 123. P. S., c. 87.

CHAPTER 305.

AN ACT CONCERNING THE PUNISHMENT OF RAPE.

Amended. St. 1888, c. 391. P. S., c. 202.

CHAPTER 320.

AN ACT CONCERNING SALES OF LAND BY CITIES AND TOWNS FOR TAXES.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

CHAPTER 334.

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Amended. St. 1889, c. 349. P. S., c. 16.

CHAPTER 346.

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Sections 1, 2, 5, extended. St. 1887, c. 382. Section 2, amended. St. 1888, c. 122. P. S., c. 61.

Statutes, 1887.

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In part repealed. St. 1889, c. 324. P. S., c. 159.

CHAPTER 38.

AN ACT REGULATING THE SALE AND PURCHASE OF POISONS.

Repealed. St. 1888, c. 209, § 2. P. S., c. 208.

CHAPTER 96.

AN ACT RELATING TO THE TAKING OF SCALLOPS.

Section 1, limited. St. 1888, c. 238. P. S., c. 91.

1887— *Continued.*

CHAPTER 103.

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Amended. St. 1888, c. 305. P. S., cc. 48, 74.

CHAPTER 110.

AN ACT IN RELATION TO THE ACCOUNTS OF COLLECTORS OF TAXES.

Superseded. St. 1888, c. 385. P. S., c. 12.

CHAPTER 112.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF COURTS FOR THE COUNTY OF DUKES COUNTY.

Superseded. St. 1888, c. 257. P. S., c. 159.

CHAPTER 122.

AN ACT CONCERNING THE PAYMENT OF STATE AID TO THE WIDOWS OF CERTAIN SOLDIERS, SAILORS AND MARINES.

Repealed. St. 1889, c. 301, § 10. P. S., c. 30.

CHAPTER 142.

AN ACT RELATING TO THE COLLECTION OF TAXES ASSESSED UPON THE SHARES OF BANKS LOCATED WITHIN THIS COMMONWEALTH.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

CHAPTER 160.

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.

In part superseded. St. 1889, c. 238. P. S., c. 17.

CHAPTER 179.

AN ACT TO PROVIDE FOR THE FREE INSTRUCTION OF DEAF MUTES OR DEAF CHILDREN.

Repealed. St. 1888, c. 239. P. S., c. 41.

CHAPTER 196.

AN ACT RELATING TO INVESTMENTS BY SAVINGS BANKS.

Amended. St. 1888, c. 213. P. S., c. 116.

1887 — *Continued.*

CHAPTER 212.

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.

Amended. St. 1889, c. 111. P. S., c. 20.

CHAPTER 214.

AN ACT TO AMEND AND CODIFY THE STATUTES RELATING TO INSURANCE.

Limited. St. 1888, c. 429, § 19. Section 5, amended. St. 1888, c. 84. Section 31, amended. St. 1888, c. 141. Section 60, added to. St. 1888, c. 151. Section 62, amended. St. 1889, c. 378. Section 80, amended. St. 1889, c. 356. P. S., c. 119.

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Amended. St. 1887, c. 330. Affected. St. 1887, c. 280, § 1. P. S., c. 74.

CHAPTER 219.

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Repealed. St. 1887, c. 276. P. S., c. 104.

CHAPTER 234.

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Extended. St. 1888, c. 181. P. S., 220.

CHAPTER 266.

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Repealed. St. 1888, c. 248, § 2. P. S., c. 89.

1887—*Continued.*

CHAPTER 269.

AN ACT TO AMEND AN ACT TO PROVIDE A STATE BOARD OF ARBITRATION, Etc.

Section 1, amended. St. 1888, c. 261. P. S., c. 74.

CHAPTER 270.

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Section 3, amended. St. 1888, c. 155. P. S., c. 74.

CHAPTER 274.

AN ACT PROVIDING FOR A CLERK FOR THE MUNICIPAL COURT OF THE WEST ROXBURY DISTRICT OF THE CITY OF BOSTON.

Section 2, superseded. St. 1889, c. 92. P. S., c. 154.

CHAPTER 355.

AN ACT IN RELATION TO THE REMOVAL OF SUBORDINATE OFFICERS OF THE STATE PRISON.

Repealed so far as inconsistent with St. 1888, c. 264. P. S., c. 221.

CHAPTER 373.

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Extended. St. 1889, c. 286. P. S., c. 11.

CHAPTER 406.

AN ACT PROVIDING FOR THE SEIZURE OF IMPLEMENTS AND FURNITURE USED IN THE SALE OF INTOXICATING LIQUOR.

Amended. St. 1888, c. 297. P. S., c. 100.

CHAPTER 411.

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Sections 33, 42, 119, 128, 147, 148, amended. St. 1889, c. 360. P. S., c. 14.

CHAPTER 423.

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Repealed. St. 1888, c. 90. P. S., c. 116.

1887—*Concluded.*

CHAPTER 433.

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Section 1, repealed. St. 1888, c. 348, § 12. Section 2, amended. St. 1889, c. 135. P. S., c. 48.

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Affected. St. 1889, c. 473.

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Affected. St. 1888, c. 275. P. S., c. 16.

CHAPTER 441.

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Section 4, in part superseded. St. 1889, c. 230, § 2. P. S., c. 86.

CHAPTER 442.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-TWO OF
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Section 1, amended. St. 1889, c. 415, § 1. P. S., c. 162.

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TERING AND CANCELLING BALLOT-BOXES IN TAKING THE
VOTE UPON THE QUESTION OF GRANTING LIQUOR LICENSES.

Repealed. St. 1888, c. 434, § 6. P. S., c. 100.

CHAPTER 447.

AN ACT RELATING TO THE LABOR OF THE PRISONERS IN THE
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Affected. St. 1888, c. 403, § 1. Amended. St. 1888, c. 22. Section 7, repealed. St. 1888, c. 403, § 6. Section 12, amended. St. 1888, c. 403, § 4. P. S., cc. 220, 221.

Statutes, 1888.

CHAPTER 22.

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Amended. St. 1888, c. 403, § 5. P. S., cc. 220, 221.

CHAPTER 23.

AN ACT RELATING TO THE PRINTING AND DISTRIBUTION OF THE ANNUAL REPORTS OF THE BUREAU OF STATISTICS OF LABOR.

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

CHAPTER 41.

AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE CIVIL SERVICE COMMISSION.

Superseded. St. 1889, c. 177.

CHAPTER 85.

AN ACT CONCERNING THE PUBLICATION AND DISTRIBUTION OF THE MANUAL FOR THE GENERAL COURT.

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

CHAPTER 122.

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Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

CHAPTER 148.

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Affected. St. 1888, c. 380. P. S., cc. 132, 134.

CHAPTER 158.

AN ACT IN RELATION TO THE EXEMPTION OF THE PROPERTY OF CERTAIN LITERARY AND OTHER ASSOCIATIONS FROM TAXATION.

Superseded. St. 1889, c. 465. P. S., c. 11.

CHAPTER 186.

AN ACT PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE ANNUAL REPORT OF THE TRUSTEES OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

1888—*Continued.*

CHAPTER 199.

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Repealed. St. 1889, c. 451, § 8. P. S., c. 35.

CHAPTER 207.

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Repealed. St. 1888, c. 426, § 14. P. S., c. 104.

CHAPTER 221.

AN ACT TO AMEND AN ACT TO ESTABLISH THE OFFICE OF AUDITOR IN TOWNS.

Affected. St. 1889, c. 191. P. S., c. 27.

CHAPTER 239.

AN ACT TO PROVIDE FOR THE FREE INSTRUCTION OF DEAF MUTES OR DEAF CHILDREN.

Extended. St. 1889, c. 226. P. S., c. 41.

CHAPTER 254.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUOR ON FAST DAY, Etc.

Section 1, amended. St. 1889, c. 347. P. S., c. 100.

CHAPTER 256.

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Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

CHAPTER 262.

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Amended. St. 1889, c. 361. P. S., c. 100.

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Superseded. St. 1889, c. 412. P. S., c. 221.

1888 — *Continued.*

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Repealed. St. 1889, c. 275. P. S., c. 70.

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Amended. St. 1889, c. 112. P. S., c. 40.

CHAPTER 335.

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Superseded. St. 1889, c. 408. P. S., c. 221.

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Repealed. St. 1889, c. 294. P. S., c. 221.

CHAPTER 348.

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Section 7 is amended. St. 1889, c. 291. P. S., c. 48.

CHAPTER 365.

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Extended. St. 1889, c. 154. P. S., c. 26.

CHAPTER 390.

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THE COLLECTION OF TAXES.

Sections 2, 28, 29, 41 and forms 5, 6 and 7 are repealed and sections 3,
7, 8, 19, 23, 24, 30, 32, 33, 37, 49, 51, 69, 72 are amended. St. 1889, c.
334. P. S., c. 12.

CHAPTER 419.

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Amended. St. 1889, c. 415. P. S., c. 162.

1888 — Concluded.

CHAPTER 436.

AN ACT TO PROVIDE FOR PRINTING AND DISTRIBUTING BALLOTS AT THE PUBLIC EXPENSE AND TO REGULATE VOTING AT STATE AND CITY ELECTIONS.

Amended. St. 1889, c. 413. P. S., c. 7.

CHAPTER 438.

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Repealed. St. 1889, c. 298. P. S., c. 30.

Statutes, 1889.

CHAPTER 32.

AN ACT PROVIDING FOR THE PRINTING AND DISTRIBUTION OF ADDITIONAL COPIES OF THE MANUAL FOR THE GENERAL COURT.

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

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AN ACT RELATIVE TO PRINTING ADDITIONAL COPIES OF THE REPORTS OF THE INSURANCE COMMISSIONER.

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

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Error corrected. St. 1889, c. 178. P. S., c. 27.

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Operation restricted. St. 1889, c. 268. P. S., c. 100.

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Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

1889 — *Concluded.*

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Extended. St. 1889, c. 361. P. S., c. 100.

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