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ACTS  
AND  
RESOLVES  
PASSED BY THE  
**General Court of Massachusetts,**

IN THE YEAR

1890,

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.

PUBLISHED BY THE  
SECRETARY OF THE COMMONWEALTH.



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1890.



A CONSTITUTION  
OR  
FORM OF GOVERNMENT

FOR THE  
Commonwealth of Massachusetts.

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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.

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.

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

Objects of  
government.

Body politic,  
how formed.  
Its nature.

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.  
— Cush. 104.  
— 2 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 inalienable right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure 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. I, Sect. 2, Art. II. 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. 595, 596.

Taxation founded on consent. 16 Mass. 326. 1 Pick. 418. 7 Pick. 344. 12 Pick. 184, 467. 16 Pick. 87. 23 Pick. 360. 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, 155. 16 Gray, 417, 431.

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.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52,
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 539.
100 Mass. 544, 510.	111 Mass. 130.		

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

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

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

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

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

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

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

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

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

114 Mass. 385, 390.      122 Mass. 505, 516.      125 Mass. 182, 188.  
120 Mass. 320, 321.      123 Mass. 590, 593.      128 Mass. 600.

Prosecutions regulated, 8 Pick. 211.  
10 Pick. 9.  
18 Pick. 434.  
21 Pick. 542.  
2 Met. 329.  
12 Cush. 246.  
1 Gray, 1.  
5 Gray, 160.  
8 Gray, 329.  
10 Gray, 11.  
11 Gray, 438.  
2 Allen, 261.  
11 Allen, 238-240, 264, 439, 473.  
12 Allen, 170.  
97 Mass. 570, 575.  
100 Mass. 287, 295.  
103 Mass. 418.

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

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

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

Right to trial by jury sacred, except, etc. Const. of U. S., Amend't VII.  
2 Pick. 382.  
7 Pick. 266.  
5 Gray, 144.  
8 Gray, 373.  
11 Allen, 574, 577.  
102 Mass. 45, 47.

Liberty of the press.

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

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

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

Moral qualifications for office.

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

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

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

Power to suspend the laws or their execution.

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

Freedom of debate, etc., and reason thereof.

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

Frequent sessions, and objects thereof.

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

Taxation founded on consent. 8 Allen, 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.

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

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

Legislature not  
to convict of  
treason, etc.

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

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

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

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

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

Citizens exempt  
from law-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.  
129 Mass. 539.

## 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, plaints, 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. 597.

General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 151.

Courts, etc., may administer oaths.

General court may enact laws, etc. 9 Gray, 426. 4 Allen, 473. 12 Allen, 223, 237. 100 Mass. 544, 557. 115 Mass. 467, 470.

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

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

may prescribe their duties.

may impose taxes, etc.  
 12 Mass. 252.  
 5 Allen, 428.  
 6 Allen, 558.  
 8 Allen, 247, 253.  
 10 Allen, 235.  
 11 Allen, 268.  
 12 Allen, 77, 225,  
 235, 235, 240, 298,  
 300, 312, 313, 500,  
 612.  
 98 Mass. 19.  
 100 Mass. 285.  
 101 Mass. 575,  
 585.  
 103 Mass. 267.  
 114 Mass. 388,  
 391.  
 116 Mass. 461.  
 118 Mass. 386,  
 389.  
 123 Mass. 493,  
 495.  
 127 Mass. 413.

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

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

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

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

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.

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

Counties to be districts, until, etc.

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.

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

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

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

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

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

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

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 summons 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 summons to the persons so elected, that they may take their seats as aforesaid.

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.

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

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

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

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

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

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.

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

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

Senate not to adjourn more than two days.

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

shall choose its officers and establish its rules.

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

shall try all impeachments.

Oath.  
Limitation of sentence.

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

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

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

## CHAPTER I.

### SECTION III.

#### *House of Representatives.*

Representation of the people.

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

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

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

Proviso as to towns having less than 150 ratable polls.

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

Towns liable to fine in case, etc.

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

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

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

Qualifications of a representative.

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

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

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

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

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

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

Representatives, when chosen.

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

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

House alone can impeach.

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

House to originate all money bills.

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

not to adjourn more than two days.

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

quorum. Superseded by amendments, Art. XXI.

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

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

may punish for certain offences. 14 Gray, 226.

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

Privileges of members.

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

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

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

Trial may be by committee, or otherwise.

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

## CHAPTER II.

### EXECUTIVE POWER.

#### SECTION I.

##### *Governor.*

Governor.

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

His title.

To be chosen annually.  
Qualifications.

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

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

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

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

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,

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

As to cities, see amendments, Art. II.

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

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

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

Power of governor, and of governor and council.

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

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

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

As to dissolution, see amendments, Art. X.

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

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

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

Governor to be commander-in-chief.

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



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

Limitation.

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.

Governor and council may pardon offences, except, etc.

But not before conviction.  
109 Mass. 325.

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.

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

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.

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

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.

How commissioned.

Election of officers.

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.

Major-generals, how appointed and commissioned.

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-

Vacancies, how filled, in case, etc.

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

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

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

Adjutants, etc., how appointed.

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

Army officers, how appointed.

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

Organization of militia.

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

Money, how drawn from the treasury, except, etc. To Allen, 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 exercise the power of governor in case, etc.

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

Elections may be adjourned until, etc.

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

## CHAPTER II.

### SECTION IV.

*Secretary, Treasurer, Commissary, etc.*

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

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

Treasurer ineligible for more than five successive years.

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

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

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, except, 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 supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 557, 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 expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

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.

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## 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.

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## 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.

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

All gifts, grants,  
etc., confirmed.

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.

Who shall be  
overseers.

See Statutes,  
1801, 224.  
1802, 27.  
1809, 212.  
1865, 173.  
1880, 65.

Power of altera-  
tion reserved to  
the legislature.



## CHAPTER V.

## SECTION II.

*The Encouragement of Literature, etc.*

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

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

## CHAPTER VI.

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

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

Oaths, etc.

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

Abolished. See amendments, Art. VII.

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

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

Declaration and oaths of all officers.

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

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

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

Oath of office.

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

Provido. 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. 1 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. 502. 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.

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

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

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

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

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

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

Notaries public, how appointed and removed.

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

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

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

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

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

Militia officers, how removed.

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

Who may vote for captains and subalterns.

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

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

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

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

Proviso. Quakers may affirm.

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

Tests abolished.

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

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

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

Amendments to constitution,  
how made.

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



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

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

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

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

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

Commencement  
of political year,

and termination.

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

Article, when to  
go into opera-  
tion.

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

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

Inconsistent provisions annulled.

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

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

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

122 Mass. 40, 41.

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

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

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

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

Towns having less than 300 ratable polls, how represented.

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

Fractions, how represented.

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

Towns may unite into representative districts.

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

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

New apportionment to be made once in every ten years.

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

Inconsistent provisions annulled.

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

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

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

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.

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

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

Small towns, how represented.

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

Towns may unite into representative districts.

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

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

Basis of representation, and ratio of increase.

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

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

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

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

Qualifications of councillors.

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.

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

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.

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 divide state into districts.

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 thereafter, 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, 500,  
508.  
103 Mass. 94, 96,

Legislature to  
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8 Gray, 1.  
13 Gray, 74.  
110 Mass. 172,  
173.

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Proviso.  
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See P. S. c. 31.

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Legislature to  
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10 Gray, 613.

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

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

117 Mass. 602, 603.

121 Mass. 65.

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

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

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



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

Secretary shall certify to officers authorized to divide counties.

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

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

One hundred members a quorum.

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

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

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

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

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

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

Voters to be basis of apportionment of senators.

Senate to consist of forty members.

Senatorial districts, etc.

See amendments. Art. XXIV.

Qualifications of senators.

Sixteen members a quorum.

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

Vacancies in the senate.

Vacancies in the council.

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

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

Twenty-third article of amendments annulled.

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

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

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

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

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

Voting precincts in towns.

## CONSTITUTION OF THE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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[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.

---

1890.

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 The General Court of 1890 assembled on Wednesday, the first 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 JOHN Q. A. BRACKETT, and His Honor WILLIAM H. HAILE, on Thursday, the second day of January, in the presence of the two Houses assembled in convention.

# ACTS AND RESOLVES.

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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. *Chap. 1*

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to wit:—

For compensation of senators, thirty thousand seven hundred and fifty dollars. *Senators, compensation.*

For the mileage of senators, a sum not exceeding four hundred and fifty dollars. *Mileage.*

For compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars. *Representatives, compensation.*

For mileage of representatives, a sum not exceeding twenty-five hundred dollars. *Mileage.*

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

For the salaries of the doorkeepers of the senate and house of representatives, fourteen hundred dollars each. *Doorkeepers.*

For compensation of the assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding twenty-four thousand one hundred dollars. *Postmaster, messengers and pages.*

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

For expenses in connection with the publication of a legislative bulletin of committee hearings, a sum not exceeding one thousand dollars. *Legislative bulletin.*

For the payment of postage and expressage on documents sent to members of the general court, to include *Postage, etc., on documents sent to members.*

expenses incurred in packing the same, a sum not exceeding fifteen hundred dollars.

Summoning witnesses.

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

Expenses of committees.

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

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

*Approved January 28, 1890.*

*Chap. 2* AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, 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 ninety, to wit: —

LEGISLATIVE DEPARTMENT.

Clerks of senate and house.

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

Assistant clerks.

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

Additional clerical assistance.

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.

Sergeant-at-arms.

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

Clerk.

For the salary of the clerk of the sergeant-at-arms, eighteen hundred dollars.

Engineer.

For the salary of the engineer at the state house, fifteen hundred dollars.

Watchmen.

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

Sergeant-at-arms' messengers.

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

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 day for each day employed. Assistant fireman.

#### EXECUTIVE DEPARTMENT.

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. Lieutenant governor and council.

For the salary of the private secretary of the governor, two thousand dollars. Private secretary.

For the salary of the executive clerk of the governor and council, seventeen hundred dollars. Executive clerk.

For the salary of the messenger of the governor and council, one thousand dollars Messenger.

#### SECRETARY'S DEPARTMENT.

For the salary of the secretary of the Commonwealth, thirty-five hundred dollars. Secretary.

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

For the salary of the second clerk in the secretary's department, seventeen hundred dollars. Second clerk.

For the salary of the third clerk in the secretary's department, fifteen hundred dollars. Third clerk.

For a messenger and such additional clerical assistance as the secretary may find necessary, a sum not exceeding twelve thousand dollars. Extra clerks and messenger.

#### TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, five thousand dollars. Treasurer.

For the salary of the first clerk in the treasurer's department, twenty-five hundred dollars. First clerk.

For the salary of the second clerk in the treasurer's department, two thousand dollars. Second clerk.

For the salary of the cashier in the treasurer's department, two thousand dollars. Cashier.

For the salary of the third clerk in the treasurer's department, fourteen hundred dollars. Third clerk.

- Fund clerk. For the salary of the fund clerk in the treasurer's department, fourteen hundred dollars.
- Receiving teller. For the salary of the receiving teller in the treasurer's department, fourteen hundred dollars.
- Paying teller. For the salary of the paying teller in the treasurer's department, fourteen hundred dollars.
- Extra clerks. 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.

#### TAX COMMISSIONER'S DEPARTMENT.

- Deputy tax commissioner. For the salary of the deputy tax commissioner, three thousand dollars.
- First clerk. For the salary of the first clerk in the office of the deputy tax commissioner, two thousand dollars.
- Second clerk. For the salary of the second clerk in the office of the deputy tax commissioner, fifteen hundred dollars.
- Extra clerks. 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.

#### AUDITOR'S DEPARTMENT.

- Auditor. For the salary of the auditor of the Commonwealth, thirty-five hundred dollars.
- First clerk. For the salary of the first clerk in the auditor's department, two thousand dollars.
- Second clerk. For the salary of the second clerk in the auditor's department, seventeen hundred dollars.
- Extra clerks. For the salaries of the three extra clerks in the auditor's department, twelve hundred dollars each; and for such additional clerical assistance as the auditor may find necessary, a sum not exceeding five hundred dollars.

#### ATTORNEY-GENERAL'S DEPARTMENT.

- Attorney-general. For the salary of the attorney-general, five thousand dollars.
- First assistant. For the salary of the first assistant attorney-general, twenty-five hundred dollars.
- Second assistant. For the salary of the second assistant attorney-general, fifteen hundred dollars.

## COMMISSIONERS AND OTHERS.

For the salary of the chairman of the commissioners of savings banks, thirty-five hundred dollars. Commissioners of savings banks, chairman.

For the salaries of the two associate commissioners of savings banks, three thousand dollars each. Associate commissioners.

For the salary of the first clerk of the commissioners of savings banks, fifteen hundred dollars. First clerk.

For the salary of the second clerk of said commissioners, twelve hundred dollars. Second clerk.

For the salary of the insurance commissioner, three thousand dollars. Insurance commissioner.

For the salary of the deputy insurance commissioner, twenty-five hundred dollars. Deputy.

For the salary of the first clerk of the insurance commissioner, two thousand dollars. First clerk.

For the salary of the second clerk of the insurance commissioner, fifteen hundred dollars. Second clerk.

For the salary of the third clerk of the insurance commissioner, twelve hundred dollars. Third clerk.

For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding eleven thousand nine hundred and eighty dollars. Extra clerks.

For the salary of the inspector of gas meters, two thousand dollars. Inspector of gas meters.

For the salary of the assistant inspector of gas meters, twelve hundred dollars. Assistant inspector.

For the salary of the secretary of the commissioners of prisons, twenty-five hundred dollars. Commissioners of prisons, secretary.

For clerical assistance in the office of the commissioners of prisons, a sum not exceeding twenty-five hundred dollars. Clerical assistance.

For salaries of agents to the commissioners of prisons, twenty-four hundred dollars. Agents.

For the salary of the agent for aiding discharged female prisoners, a sum not exceeding seven hundred and seventy-five dollars. Agent for discharged female prisoners.

For the salaries of the railroad commissioners, eleven thousand dollars. Railroad commissioners.

For the salary of the clerk of the railroad commissioners, twenty-five hundred dollars. Clerk.

For the salary of the accountant of the railroad commissioners, twenty-five hundred dollars. Accountant.

Assayer and inspector of liquors.	For the salary of the assayer and inspector of liquors, twelve hundred dollars.
Bureau of statistics of labor; chief.	For the salary of the chief of the bureau of statistics of labor, twenty-five hundred dollars.
First clerk.	For the salary of the first clerk in the bureau of statistics of labor, eighteen hundred dollars.
Second clerk.	For the salary of the second clerk in the bureau of statistics of labor, fifteen hundred dollars.
Additional assistance and expenses.	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.
Statistics of manufactures.	For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding six thousand five hundred dollars.
Commissioner on state aid.	For the salary of the third commissioner on state aid, eighteen hundred dollars.
Clerical assistance and expenses.	For clerical assistance, salary 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.
Harbor and land commissioners.	For salaries of the harbor and land commissioners, five thousand five hundred dollars.
Engineer and assistants.	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.
Civil service commission.	For the salary of the chief examiner of the civil service commission, three thousand dollars; and for the salary of the secretary of said commission, two thousand dollars.
Gas commissioners.	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.
Controller of county accounts.	For the salary of the controller of county accounts, twenty-five hundred dollars; and for the salaries of the clerks of the controller of county accounts, three thousand dollars.
Board of arbitration.	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 one thousand dollars.
Commissioner of foreign corporations.	For the compensation of the commissioner for the supervision of foreign corporations engaged in the busi-



ness of selling or negotiating bonds, mortgages, notes or other choses in action, three thousand dollars.

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

For the salary of the secretary of the state board of health, three thousand dollars. Board of health, secretary.

For the salary of the commissioner on public records of parishes, towns and counties, two thousand dollars. Commissioner on public records.

For clerical services, rent, postage, printing, travelling and other necessary expenses of the commissioner on public records of parishes, towns and counties, a sum not exceeding two thousand dollars. Clerical services and expenses.

#### AGRICULTURAL DEPARTMENT.

For the salary of the secretary of the state board of agriculture, twenty-five hundred dollars. Board of agriculture, secretary.

For the salary of the clerk of the secretary of the state board of agriculture, twelve hundred dollars. Clerk.

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. Clerical assistance.

#### EDUCATIONAL DEPARTMENT.

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. Board of education, secretary.

For the salary of the assistant librarian and clerk of the state board of education, twenty-five hundred dollars. Assistant librarian, etc.

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

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

#### MILITARY DEPARTMENT.

For the salary of the adjutant-general, thirty-six hundred dollars. Adjutant-general.

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

- Second clerk. For the salary of the second clerk in the adjutant-general's department, sixteen hundred dollars.
- Additional clerk. For the salary of an additional clerk in the adjutant-general's department, sixteen hundred dollars.
- Extra clerks. For the salaries of the two extra clerks in the adjutant-general's department, twelve hundred dollars each.
- Messenger. For the salary of the messenger in the adjutant-general's department, eight hundred dollars.
- Additional clerical assistance. 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.
- Employees at arsenal.
- Surgeon-general. For the salary of the surgeon-general, twelve hundred dollars.
- Military and naval historian. For the salary of the state military and naval historian, two thousand dollars, and for necessary expenses of said historian, a sum not exceeding five hundred dollars.

## MISCELLANEOUS.

- Preservation of state records and papers. 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.

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

*Approved January 28, 1890.*

**Chap. 3** AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE JUDICIAL DEPARTMENT OF THE GOVERNMENT DURING THE PRESENT YEAR.

*Be it enacted, etc., as follows:*

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

## SUPREME JUDICIAL COURT.

- Supreme judicial court. For the salary of the clerk of the supreme judicial court, three thousand dollars.
- Clerk. For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars, and for clerk hire and incidental expenses of the reporter, one thousand dollars.
- Reporter.

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

For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars. Clerk for Suffolk.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars. Expenses.

## SUPERIOR COURT.

For the salary of the chief justice of the superior court, six thousand dollars. Superior court, chief justice.

For the salaries of the thirteen associate justices of the superior court, seventy-one thousand five hundred dollars. Associate justices.

## COURTS OF PROBATE AND INSOLVENCY.

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

For the salary of the judge of probate and insolvency for the county of Middlesex, four thousand dollars. Middlesex.

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

For the salary of the judge of probate and insolvency for the county of Essex, thirty-five hundred dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-five hundred dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Bristol, twenty-five hundred dollars. Bristol.

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

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

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

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

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

For the salary of the judge of probate and insolvency for the county of Barnstable, twelve hundred dollars. Barnstable.

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

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

Registers, — Suffolk.	For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars.
Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars.
Essex.	For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars.
Norfolk	For the salary of the register of probate and insolvency for the county of Norfolk, fifteen hundred dollars.
Bristol.	For the salary of the register of probate and insolvency for the county of Bristol, eighteen hundred dollars.
Plymouth.	For the salary of the register of probate and insolvency for the county of Plymouth, fifteen hundred dollars.
Hampden.	For the salary of the register of probate and insolvency for the county of Hampden, eighteen hundred dollars.
Berkshire.	For the salary of the register of probate and insolvency for the county of Berkshire, sixteen hundred dollars.
Hampshire.	For the salary of the register of probate and insolvency for the county of Hampshire, fourteen hundred dollars.
Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, fourteen hundred dollars.
Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
Dukes County.	For the salary of the register of probate and insolvency for the county of Dukes County, six hundred dollars.
Assistant reg- isters, — Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, two thousand dollars.
Middlesex.	For the salary of the assistant register of probate and insolvency for the county of Middlesex, eighteen hundred dollars.
Worcester.	For the salary of the assistant register of probate and insolvency for the county of Worcester, eighteen hundred dollars.
Essex.	For the salary of the assistant register of probate and insolvency for the county of Essex, eighteen hundred dollars.
Norfolk.	For the salary of the assistant register of probate and insolvency for the county of Norfolk, eleven hundred dollars.
Clerk, — Suffolk.	For the salary of the clerk to the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.

For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, fifteen hundred dollars. Clerical assistance. — Suffolk.

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

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

For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding thirteen hundred and fifty dollars. Worcester.

For extra clerical assistance to the register of probate and insolvency for the county of Hampshire, for the purpose of arranging and indexing the files and records in his office, a sum not exceeding six hundred dollars. Hampshire.

For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding four hundred dollars. Bristol.

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. Extra clerical assistance in the several counties.

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

#### DISTRICT ATTORNEYS.

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

For the salary of the first assistant district attorney for Suffolk district, twenty-eight hundred dollars. First assistant.

For the salary of the second assistant district attorney for Suffolk district, twenty-five hundred dollars. Second assistant.

For the salary of the clerk for the district attorney for Suffolk district, eighteen hundred dollars. Clerk.

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

For the salary of the district attorney for the eastern district, twenty-four hundred dollars. Eastern district.

For the salary of the district attorney for the south-eastern district, twenty-one hundred dollars. South-eastern district.

For the salary of the district attorney for the southern district, eighteen hundred dollars. Southern district.

For the salary of the district attorney for the middle district, twenty-four hundred dollars. Middle district.

- Western district. For the salary of the district attorney for the western district, twenty-one hundred dollars.
- North-western district. For the salary of the district attorney for the north-western district, thirteen hundred and fifty dollars.
- SECTION 2. This act shall take effect upon its passage.
- Approved January 28, 1890.*

*Chap. 4* 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, — scholarships. For the Massachusetts agricultural college, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars.
- Labor fund, etc. For the Massachusetts agricultural college, 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.
- School for the feeble-minded. For the Massachusetts school for the feeble-minded, the sum of twenty-five thousand dollars.
- 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.
- Institute of Technology. For the Massachusetts institute of technology, the sum of fifty thousand dollars.
- School for the feeble-minded, — buildings in Waltham. 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 sums appropriated by chapter four hundred and forty-three of the acts of the year eighteen hundred and eighty-eight and chapter six of the acts of the year eighteen hundred and eighty-nine, the unexpended balances of which are hereby re-appropriated.

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 in the town of Westfield, a sum not exceeding seventy-five thousand dollars, being in addition to the amount appropriated by chapter four hundred and seventy-two of the acts of the year eighteen hundred and eighty-nine, the unexpended balance of which is hereby re-appropriated.

Normal school building in Westfield.

For remodelling and enlarging the state normal school in the town of Bridgewater and for the erection of a new building for school purposes, a sum not exceeding seventy-five thousand dollars, being in addition to the amount appropriated by chapter four hundred and seventy-two of the acts of the year eighteen hundred and eighty-nine, the unexpended balance of which is hereby re-appropriated.

Normal school in Bridgewater.

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

Inspection of milk, etc.

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

*Approved February 4, 1890.*

AN ACT TO CHANGE THE NAME OF THE RUSSELL AND BROWN COMPANY.

*Chap. 5*

*Be it enacted, etc., as follows :*

SECTION 1. The name of the Russell and Brown Company is hereby changed to Bay State Knitting Company.

Name changed to Bay State Knitting Company.

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

*Approved February 4, 1890.*

AN ACT TO FURTHER AMEND THE CHARTER OF THE MUTUAL BOILER INSURANCE COMPANY OF BOSTON.

*Chap. 6*

*Be it enacted, etc., as follows :*

SECTION 1. Section one of chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-seven is hereby amended by striking out the words "other than by fire", in the seventh line of said section, and inserting in place thereof the words:—to property of the assured, or loss or damage to the life,

Charter amended.

person or property of another, for which the assured is liable, caused, — so that said section shall read as follows :

**Corporators.** — *Section 1.* C. C. Walworth, Alfred H. Hall, Frederick S. Cabot, D. D. Crombie, F. Ernest Cabot, their associates and successors, are hereby made a corporation by the name of the Mutual Boiler Insurance Company of Boston, to be located in the city of Boston, for the purpose of insuring property upon the mutual principle, against loss or damage to property of the assured, or loss or damage to the life, person or property of another for which the assured is liable, caused by the explosion of steam boilers ;

**Name and purpose.** 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 relating to mutual fire insurance companies, so far as the same are applicable to this class of insurance and except as hereinafter provided.

**Powers and duties.**

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

*Approved February 4, 1890.*

**Chap. 7** AN ACT TO CHANGE THE NAME OF THE HINGHAM, HULL AND DOWNER LANDING STEAMBOAT COMPANY.

*Be it enacted, etc., as follows :*

**Name changed to the Nantasket Beach Steamboat Company.**

**SECTION 1.** The name of the Hingham, Hull and Downer Landing Steamboat Company, a corporation organized under the general laws of the Commonwealth of Massachusetts, is hereby changed to the Nantasket Beach Steamboat Company.

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

*Approved February 6, 1890.*

**Chap. 8** AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, PURCHASE OF PAPER, PUBLISHING LAWS, AND PREPARING TABLES AND INDEXES RELATING TO THE STATUTES.

*Be it enacted, etc., as follows :*

**Appropriations.**

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

**Printing and binding public documents.**

For printing and binding the series of public documents, under the direction of the secretary of the Com-



monwealth, a sum not exceeding thirty-eight thousand dollars.

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 five thousand 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 one 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.

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 thirty thousand dollars.

Paper for state printing.

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.

Tables and indexes.

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.

Legislative printing and binding.

For printing and distributing ballots at the public expense, cast in elections for national, state, district and county officers, in the cities and towns in the Commonwealth, a sum not exceeding fifteen thousand dollars.

Printing and distributing ballots.

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

*Approved February 6, 1890.*

*Chap. 9* AN ACT TO AUTHORIZE THE MUSIC HALL ASSOCIATION OF WORCESTER TO CHANGE ITS CORPORATE NAME AND TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, etc., as follows:*

Name changed to Worcester Theatre Association.

SECTION 1. The name of the Music Hall Association of Worcester, incorporated by chapter one hundred and twenty-five of the acts of the year eighteen hundred and sixty-eight, is hereby changed to the Worcester Theatre Association.

May increase capital stock.

SECTION 2. Said association is hereby authorized to increase its capital stock by issuing, in addition to the amount of capital stock already authorized to be issued, an amount not exceeding twenty thousand dollars, so that the authorized capital of said association shall be seventy thousand dollars.

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

*Approved February 6, 1890.*

*Chap. 10* AN ACT MAKING APPROPRIATIONS FOR COMPENSATION AND MILEAGE OF OFFICERS AND MEN OF THE VOLUNTEER MILITIA, AND FOR OTHER EXPENSES OF THE MILITARY DEPARTMENT.

*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 ninety, to wit:—

Militia,—compensation.

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

Transportation.

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

Incidental, etc., expenses.

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

Rent of armories, etc.

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

Quartermasters' supplies.

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

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

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 ninety, may be expended by the quartermaster-general during the present year, under the direction of the governor and council, for the construction and repairs of buildings or other structures. Disposition of proceeds of sale of grass at camp ground.

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

*Approved February 7, 1890.*

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE AND PREVIOUS YEARS.

*Chap. 11*

*Be it enacted, etc., as follows :*

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

For printing and binding public documents, under the direction of the secretary of the Commonwealth, the sum of eight thousand three hundred and forty dollars and sixty-seven cents. Printing and binding public documents.

For printing and binding the blue book edition of the acts and resolves for the year eighteen hundred and eighty- Blue book edition of acts and resolves.

nine, the sum of one hundred and sixty-six dollars and fifty-seven cents.

Special laws.

For the publication of certain special laws, the sum of two hundred and seventy-nine dollars and one cent.

Volunteer militia.

For compensation of officers and men of the volunteer militia, the sum of five thousand nine hundred and eighty-two dollars and seventy-one cents.

Commissioners of savings banks.

For travelling and incidental expenses of the commissioners of savings banks, the sum of two hundred and ninety-two dollars and fifty-four cents.

Commissioners of prisons.

For travelling and incidental expenses of the commissioners of prisons, the sum of three hundred and nineteen dollars and twenty-three cents.

Agent for discharged female convicts.

For expenses of the agent for aiding discharged female convicts, the sum of one hundred and seventy dollars and forty-five cents.

Lyman school for boys.

For current expenses at the Lyman school for boys, the sum of twelve hundred and seventy-six dollars and ninety-six cents.

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

*Approved February 7, 1890.*

**Chap. 12** AN ACT MAKING AN APPROPRIATION FOR THE COMMONWEALTH'S FLATS IMPROVEMENT FUND.

*Be it enacted, etc., as follows:*

Appropriation.

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 specified, to wit:—

Commonwealth's flats improvement fund.

For the Commonwealth's flats improvement fund, for the purpose of continuing the improvements in the Commonwealth's flats at South Boston, a sum not exceeding one hundred and twenty-seven thousand dollars.

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

*Approved February 7, 1890.*

**Chap. 13** AN ACT MAKING AN APPROPRIATION FOR THE PRISON AND HOSPITAL LOAN SINKING FUND.

*Be it enacted, etc., as follows:*

Appropriation.

The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose specified, to wit:—

Prison and hospital loan sinking fund.

For the prison and hospital loan sinking fund, the sum of sixty thousand dollars. *Approved February 7, 1890.*

AN ACT TO CHANGE THE NAME OF THE MUTUAL GAS LIGHT COMPANY OF SOUTHBRIDGE.

*Chap. 14*

*Be it enacted, etc., as follows:*

SECTION 1. The name of the Mutual Gas Light Company of Southbridge, organized April twenty-first in the year eighteen hundred and seventy-one under the general laws of the Commonwealth, is hereby changed to the Southbridge Gas and Electric Company.

Name changed to the Southbridge Gas and Electric Company.

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

*Approved February 7, 1890.*

AN ACT TO AUTHORIZE THE TOWN OF AVON TO MAKE AN ADDITIONAL WATER LOAN.

*Chap. 15*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Avon, for the purposes mentioned in section five of chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-nine, may issue bonds, notes or scrip, from time to time, to be signed by the treasurer of the town and countersigned by the water commissioners, and to be denominated on the face thereof Avon Water Loan, to an amount not exceeding twenty-five thousand dollars, in addition to the amount in said act authorized to be issued, upon like terms and conditions and with like powers in all respects as are provided in said act for the issue of securities of Avon water loan by said town: *provided*, that the whole amount of such water bonds, notes or scrip issued by said town under the authority given by this act and by all other acts shall not exceed the amount of fifty-five thousand dollars.

May make an additional water loan.

Amount in the whole not to exceed \$55,000.

SECTION 2. This act shall take effect if accepted within one year from the date of its passage by a vote of two-thirds of the legal voters of said town, present and voting thereon at a legal meeting called for that purpose.

Subject to acceptance by a two-thirds vote, within one year.

*Approved February 7, 1890.*

AN ACT TO CHANGE THE NAME OF THE DORCHESTER YACHT CLUB.

*Chap. 16*

*Be it enacted, etc., as follows:*

SECTION 1. The name of the Dorchester Yacht Club, a corporation duly organized under the general laws of this Commonwealth, is hereby changed to the Massachusetts Yacht Club.

Name changed to the Massachusetts Yacht Club.

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

*Approved February 7, 1890.*

*Chap. 17* AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE 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, 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 ninety, to wit: —

STATE BOARD OF LUNACY AND CHARITY.

Board of lunacy and charity.	For expenses of the board, including travelling and other expenses of the members, necessary legal expenses, and salary and expenses of the clerk and auditor, a sum not exceeding forty-five hundred dollars.
In-door poor.	For salaries and expenses in the department of in-door poor, a sum not exceeding thirty-three thousand five hundred dollars.
Out-door poor.	For salaries and expenses in the department of out-door poor, a sum not exceeding nineteen thousand nine hundred dollars.
Inspector.	For salaries and expenses in the department of the inspector of institutions, a sum not exceeding ten thousand five hundred dollars.
Auxiliary visitors.	For travelling and other necessary expenses of the auxiliary visitors of the state board of lunacy and charity, a sum not exceeding fifteen hundred dollars.

MISCELLANEOUS CHARITABLE.

Transportation of state paupers.	For the transportation of state paupers, a sum not exceeding sixteen thousand dollars.
Transportation to state almshouse.	For transportation of state paupers to the state almshouse, a sum not exceeding seven hundred dollars.
State paupers in lunatic hospitals, etc.	For the support and relief of state paupers in state lunatic hospitals and asylums of the Commonwealth, and of state lunatic paupers boarded out in families, a sum not exceeding one hundred and forty-eight thousand dollars.
Cases of settlement and bastardy.	For expenses attending the management of cases of settlement and bastardy, a sum not exceeding one thousand five hundred dollars.

- For the care and maintenance of indigent and neglected children and juvenile offenders, a sum not exceeding six thousand dollars. Indigent and neglected children.
- For the support of state paupers in the Massachusetts school for the feeble-minded, and the hospital cottages for children at Baldwinsville, a sum not exceeding six thousand dollars. State paupers in the school for the feeble-minded, etc.
- For the support of sick state paupers by cities and towns, a sum not exceeding fifty thousand dollars, which is hereby made applicable for the payment of claims for the present and previous years. Sick state paupers.
- For the burial of state paupers, a sum not exceeding seven thousand dollars. Burial of state paupers.
- For temporary aid for state paupers and shipwrecked seamen, by cities and towns for the present and previous years, a sum not exceeding sixteen thousand dollars. Temporary support.
- For the support and transportation of pauper infants having no known settlement in this Commonwealth, to include infants in the infant asylums, a sum not exceeding fifteen thousand dollars. Pauper infants, etc.
- 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 hereby made applicable for the payment of claims for the present and previous years. Dangerous diseases.
- For expenses incurred in connection with medical examinations and inquests, a sum not exceeding thirty-five hundred dollars. Medical examinations and inquests.
- For annuities due from the Commonwealth, incurred by the acceptance of the bequest of the late Martha Johonnot, a sum not exceeding six hundred dollars. Johonnot annuities.
- For annuities to soldiers and others, authorized by the legislature, a sum not exceeding thirty-four hundred and six dollars. Annuities to soldiers and sailors.
- For pensions, a sum not exceeding five hundred and twenty dollars. Pensions.

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

*Approved February 7, 1890.*

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES.

*Chap. 18*

*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, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety, to wit: —

State normal schools. ;

For the support of state normal schools, a sum not exceeding seventy-four thousand nine hundred and twenty-four 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 two hundred 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.

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

For salaries and expenses of the agents of the state board of education, a sum not exceeding seventeen thousand two hundred dollars.

Incidental expenses.

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

Dukes County teachers' association.

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

Pupils in state normal schools.

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.

Travelling expenses of board.

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

Deaf pupils.

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



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 ex-  
penses of state  
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 7, 1890.*

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

*Chap. 19*

*Be it enacted, etc., as follows:*

SECTION 1. The Arlington Mills, a corporation located in the city of Lawrence, is hereby authorized to increase its capital stock to an amount not exceeding two million dollars, subject to the provisions of the general laws regulating the issue and payment of capital stock of such corporations.

May increase  
capital stock.

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

*Approved February 12, 1890.*

AN ACT TO AUTHORIZE THE TOWN OF CLINTON TO MAKE AN  
ADDITIONAL WATER LOAN.

*Chap. 20*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Clinton, in addition to the amount of notes, bonds and scrip authorized by section four of chapter ninety-eight of the acts of the year eighteen hundred and seventy-six, and section three of chapter fourteen of the acts of the year eighteen hundred and eighty-two, and section one of chapter one hundred and fourteen of the acts of the year eighteen hundred and eighty-four, is hereby authorized to issue a further amount of notes, bonds and scrip, not exceeding the sum of fifty thousand dollars, in accordance with the provisions of the acts herein referred to and for the purposes named therein.

May make an  
additional  
water loan.

SECTION 2. This act shall take effect upon its acceptance by the vote of two-thirds of the legal voters of the town of Clinton, present and voting thereon at a legal meeting called for that purpose within six months from the date of its passage.

Subject to ac-  
ceptance by a  
two-thirds vote,  
within six  
months.

*Approved February 12, 1890.*

*Chap. 21* AN ACT MAKING APPROPRIATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT RELATIVE 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 ninety, 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 one thousand 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 four hundred dollars.

Industries at state prison.

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

Industries at Massachusetts reformatory.

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

Reformatory prison for women.

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

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

*Approved February 12, 1890.*

*Chap. 22* AN ACT TO INCORPORATE THE MARBLEHEAD BUILDING ASSOCIATION IN MARBLEHEAD.

*Be it enacted, etc., as follows:*

Marblehead Building Association, incorporated.

SECTION 1. Thomas W. Tucker, Knott V. Martin, Franklin Reynolds, William Reynolds, William A. Laskey, Benjamin J. Lindsey, William D. T. Trefry, Henry F. P. Wilkins; Everett Paine, John Colley and M. V. B. Morse, 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 Marblehead Building Association; with authority to purchase and hold land, not exceeding six acres, within the limits of the town of Marblehead, in the county of Essex: and to erect and maintain buildings thereon of brick, wood 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.

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

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

*Approved February 12, 1890.*

Capital stock  
and shares.

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AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO ACCEPT AN ASSIGNMENT OF A LEASE OF THE NORTHERN RAILROAD TO THE BOSTON AND LOWELL RAILROAD CORPORATION.

*Chap. 23*

*Be it enacted, etc., as follows:*

SECTION 1. The Boston and Maine Railroad is hereby authorized to accept an assignment of the lease of the Northern Railroad to the Boston and Lowell Railroad Corporation, dated the thirtieth day of December, eighteen hundred and eighty-nine, and to assume and perform the obligations and covenants thereof.

Boston and  
Maine Railroad  
may accept an  
assignment of  
the lease of the  
Northern Rail-  
road to the  
Lowell Rail-  
road.

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

*Approved February 12, 1890.*

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AN ACT TO CHANGE THE NAME OF THE MONROE COLLEGE OF ORATORY.

*Chap. 24*

*Be it enacted, etc., as follows:*

SECTION 1. The name of the Monroe College of Oratory, a corporation organized under the general laws of this Commonwealth, September twenty-first, eighteen hundred and eighty-six, is hereby changed to the Emerson College of Oratory.

Name changed  
to the Emerson  
College of  
Oratory.

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

*Approved February 12, 1890.*

*Chap. 25* 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.

*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 ninety, to wit: —

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

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

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

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

Massachusetts reformatory, — removing prisoners. For expenses incurred in removing prisoners to and from the Massachusetts reformatory, a sum not exceeding six hundred dollars.

Support of prisoners removed. For supporting prisoners removed from the reformatory prison for women, a sum not exceeding two hundred dollars.

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

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

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five thousand dollars. Prisoners dis- charged from the Massachu- setts reformatory.

For incidental and contingent expenses of the commis- sioners of prisons, a sum not exceeding twelve hundred dollars. Commissioners of prisons.

For travelling expenses of the commissioners of prisons, of the secretary and agents of said commissioners, a sum not exceeding twenty-five hundred dollars. Travelling ex- penses.

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. Sarah J. Rob- inson.

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

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

*Approved February 15, 1890.*

AN ACT RELATING TO THE PERMANENT FUND AND DIVIDENDS OF MUTUAL FIRE INSURANCE COMPANIES. Chap. 26

*Be it enacted, etc., as follows:*

SECTION 1. Sections forty-two, forty-three and forty-four of chapter two hundred and fourteen of the acts of the year one thousand eight hundred and eighty-seven are hereby amended to read as follows: — Amendments to 1887, 214, §§ 42-44.

COMPANIES WITH A GUARANTY CAPITAL.

*Section 42.* The stockholders of the guaranty capital of a company, acquired under the provisions of chapter three hundred and seventy-five of the acts of the year one thousand eight hundred and seventy-two, shall be entitled to a semi-annual dividend of not more than three and one-half per cent. on their respective shares if the net profit or unused premiums left after all expenses, losses and liabilities then incurred, together with the reserve for re-insurance, are provided for shall be sufficient to pay the same; and if any dividend is less than three and one-half per cent. the deficiency shall be made up when such net profit becomes sufficient therefor. The guaranty capital shall be applied to the payment of losses only when the cash funds not appropriated to the reserve for re-in-

Guaranty capital.

insurance are exhausted, and if it is thus impaired at any time by the payment of losses, such impairment shall be made good from the permanent fund, or the directors may make good the whole or any part of it by assessments upon the contingent funds of the company at the date of such impairment. Shareholders and members of such companies shall be subject to the same provisions of law in respect to their right to vote as apply respectively to shareholders in stock companies and to policy-holders in purely mutual companies.

PERMANENT FUND.

Permanent  
fund.

*Section 43.* The net profits, by which term is meant all of the funds remaining after deducting all liabilities (including unearned premiums), of the mutual fire insurance companies and the special reserve of companies having a guaranty capital as existing on the thirty-first day of December, one thousand eight hundred and eighty-nine, are hereby set apart as and declared to be the permanent fund of such companies; the directors shall cause the same to be invested in the securities described in section thirty-four, and the same shall be held as a reserve for the security of the insured. When the amount of this permanent fund is less than two per cent. of the sum insured upon all policies in force, the directors may annually, if they so determine, set apart not exceeding twenty per cent. of the net profits of the preceding year, and add the same to the permanent fund, until said limitation of two per cent. has been reached, after which there shall be no further addition to said fund except as hereinafter provided. The permanent fund so accumulated shall be used for the payment of losses and expenses whenever the cash funds of the company in excess of an amount equal to its liabilities, including guaranty capital, are exhausted; and whenever the said fund is drawn upon, the reservation of profits as aforesaid may be renewed or continued until the limit of accumulation as herein provided is reached. The income of the permanent fund shall be included annually in the cash receipts of the company: *provided*, that nothing herein contained shall affect the rights, at date of the passage of this act, of holders of policies in companies having a guaranty capital.

Proviso.

## DIVIDENDS AND ASSESSMENTS.

*Section 44.* The directors of any mutual fire insurance company may, from time to time, by vote, fix and determine the amount to be paid as a dividend upon policies expiring during each year. In the year one thousand eight hundred and ninety-five, and at the expiration of each term of five years therefrom, the directors shall, subject to the provisions of section forty-three, apportion as an extra dividend, according to their best judgment proportionately, to the holders of policies which have expired during the preceding five year period the entire remaining net profits. Any such dividends remaining uncalled for on the thirty-first day of December, one thousand eight hundred and ninety-nine, and at the end of each five year period thereafter, shall be forfeited to the company. Each policy-holder shall be liable to pay his proportional part of any assessments which may be laid by the company in accordance with the laws and his contract on account of losses and expenses incurred while he was a member, providing he is notified of such assessment within two years after the expiration of his policy. Mutual companies which make not less frequently than annually an entire apportionment and division of earnings or profits shall not be subject to the provisions of sections forty-three and forty-four.

Dividends and assessments.

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

*Approved February 15, 1890.*

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

Chap. 27

*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 at the state primary school at Monson, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety, to wit: —

Appropriations.

For the payment of salaries, wages and labor at the state primary school at Monson, a sum not exceeding seventeen thousand five hundred dollars; and for other

State primary school at Monson.

current expenses at said institution, a sum not exceeding thirty-two thousand five hundred 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 15, 1890.*

*Chap. 28* AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS AT WESTBOROUGH.

*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 Lyman school for boys at Westborough, for the year ending on the thirty-first day of December in the year eighteen hundred and ninety, 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 five hundred and seventy-five dollars; and for other current expenses at said institution, a sum not exceeding twenty-five thousand four hundred dollars.

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

*Approved February 15, 1890.*

*Chap. 29* AN ACT TO AUTHORIZE THE ROXBURY CHARITABLE SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Be it enacted, etc., as follows:*

May hold additional real and personal estate.

SECTION 1. The Roxbury Charitable Society, a corporation established by chapter twenty-eight of the acts of the year one thousand seven hundred and ninety-nine, is hereby authorized to hold additional real and personal estate to an amount not exceeding in all one hundred and fifty thousand dollars: *provided, however,* that the real estate which said society shall hold shall not exceed the value of seventy-five thousand dollars, and that the personal property thereof shall not exceed the sum or value of seventy-five thousand dollars.

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

*Approved February 15, 1890.*



AN ACT TO AMEND AN ACT TO PROTECT THE FISHERIES IN THE  
 TRIBUTARIES OF PLUM ISLAND BAY. Chap. 30

*Be it enacted, etc., as follows:*

Section two of chapter one hundred and five of the acts of the year eighteen hundred and eighty-seven is hereby amended so as to read as follows:—*Section 2.* The catching of smelts in the waters mentioned in section one between the fifteenth day of March and the first day of June is hereby prohibited, and whoever sells or offers or exposes for sale or has in his possession a smelt so taken in these waters within said season, shall be subject to the same penalties as are provided in section fifty-seven of chapter ninety-one of the Public Statutes.

Smelt fishery regulated in the tributaries of Plum Island Bay.

*Approved February 18, 1890.*

AN ACT TO INCORPORATE THE AMERICAN COLLEGE FOR GIRLS AT  
 CONSTANTINOPLE IN TURKEY. Chap. 31

*Be it enacted, etc., as follows:*

SECTION 1. Sarah L. Bowker, Pauline A. Durant, J. Augusta Smith, Caroline Borden, their associates and successors, are hereby constituted a body corporate by the name of The American College for Girls at Constantinople in Turkey, with power to maintain an institution for the education of girls; and they and their successors, and such persons as shall be duly elected members of such corporation, shall be and remain a body corporate by that name forever; and for the orderly conducting of the business of said corporation, the members of said corporation shall have the power and authority, from time to time, to elect a president, vice-president, secretary and treasurer, a board of trustees, and such other officers of said corporation as may be found necessary, to declare the duties and tenures of their respective offices, and also from time to time to elect new members of the said corporation. No person shall be eligible to membership in the corporation unless she is at the time of her election a member of the board of directors of the Woman's Board of Missions, a corporation duly established by the legislature of Massachusetts, having its place of business at Boston in the Commonwealth of Massachusetts.

The American College for Girls at Constantinople in Turkey, incorporated.

SECTION 2. The said corporation shall have full power and authority to determine at what times and places their meetings shall be held, and the manner of notifying the

Meetings of corporation.

Election of officers, etc.

members to convene at such meetings ; and also from time to time to elect a president, a dean, and such professors, tutors, instructors and other officers of the said college as they shall judge most for the interest thereof, and to determine the duties, salaries, responsibilities and tenures of their several offices ; and the said corporation are further empowered to purchase, hire or erect, and keep in repair, such houses and other buildings as they shall judge necessary for said college ; and also to make and ordain reasonable rules, orders and by-laws, not repugnant to the constitution and laws of the Commonwealth, for the good government of the said college and for the regulation of their own body ; and also to determine and regulate the course of instruction in said college ; and they are hereby empowered to grant such honorary testimonials, and confer such honors, degrees and diplomas as are granted or conferred by any university, college or seminary of learning in this Commonwealth.

May make rules and by-laws.

May confer degrees.

May have a common seal.

Deeds sealed with their seal to be considered in law as deeds of corporation.

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

Clear rents and profits to be appropriated for expenses of college.

Students to be admitted, etc., without regard to religious opinions.

Powers may be altered or restrained by the legislature.

SECTION 3. Said corporation may have a common seal, which they may alter or renew at their pleasure, and all deeds sealed with the seal of said corporation, and signed by their order, shall, when made in their corporate name, be considered in law as the deeds of said corporation ; and said corporation shall be capable of taking and holding in fee simple or any less estate, by gift, grant, bequest, devise or otherwise, any lands, tenements or other estate, real or personal, to an amount not exceeding five hundred thousand dollars.

SECTION 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the expenses of said college in such manner as shall most effectually promote virtue, piety, and learning in such of the languages and such of the liberal and useful arts and sciences as shall be recommended from time to time by the said corporation, they conforming to the will of any donor or donors in the application of any estate which may be given, devised or bequeathed for any particular object connected with the college.

SECTION 5. No student in said college shall be refused admission to or denied any of the privileges, honors or degrees of said college on account of her religious opinions.

SECTION 6. The legislature of the Commonwealth may grant any further powers to, or alter, limit, annul or

restrain any of the powers vested by this act in, the said corporation as shall be found necessary to promote the best interests of the said college, and more especially may appoint overseers or visitors of the said college with all the necessary powers for the better aid, preservation and government thereof.

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

*Approved February 18, 1890.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE ALMSHOUSE AT TEWKSBURY. Chap. 32

*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 Commonwealth, from the ordinary revenue, for the payment of salaries at the state almshouse at Tewksbury, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety, to wit: —

For the payment of salaries, wages and labor at the state State alma-  
house at Tewks-  
bury, salaries  
and expenses.  
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 18, 1890.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM AT BRIDGEWATER. Chap. 33

*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 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 in the year eighteen hundred and ninety, to wit: —

For the payment of salaries, wages and labor at the State farm at  
Bridgewater,  
salaries and ex-  
penses.  
state farm at Bridgewater, a sum not exceeding eighteen thousand five hundred dollars; and for other current expenses at said institution, a sum not exceeding forty-eight thousand five hundred dollars.

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

*Approved February 18, 1890.*

*Chap. 34* AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES  
AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

*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 industrial school for girls at Lancaster, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety, to wit : —

State industrial school for girls, salaries and expenses.

For the payment of salaries, wages and labor at the state industrial school for girls at Lancaster, a sum not exceeding eight thousand one hundred and sixty dollars ; and for current expenses at said institution, a sum not exceeding twelve thousand eight hundred and forty dollars.

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

*Approved February 18, 1890.*

*Chap. 35* AN ACT MAKING AN APPROPRIATION FOR INVESTIGATIONS INTO  
THE BEST METHODS OF PROTECTING THE PURITY OF INLAND  
WATERS.

*Be it enacted, etc., as follows :*

Appropriation.

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 ninety, to wit : —

Investigations regarding the purity of water supplies, etc.

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-seven thousand dollars.

*Approved February 18, 1890.*

AN ACT TO AUTHORIZE DANIEL H. J. HOLMES AND MARY F. GAFF TO BUILD A BRIDGE OVER CENTREVILLE RIVER IN THE TOWN OF BARNSTABLE. *Chap. 36*

*Be it enacted, etc., as follows:*

SECTION 1. Daniel H. J. Holmes and Mary F. Gaff are hereby authorized to build and maintain a bridge across Centreville river, so called, in the town of Barnstable, between and connecting their respective lands in said town, subject to the provisions of chapter nineteen of the Public Statutes and of any other laws which now are or hereafter may be in force applicable thereto. Said bridge shall have a draw therein of not less than thirty feet in width, which shall be kept open at all times excepting at times when it is necessary to close such draw for crossing said bridge.

Bridge across Centreville river, in Barnstable.

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

*Approved February 18, 1890.*

AN ACT RELATING TO THE STATE DIRECTORS IN THE COLLATERAL LOAN COMPANY AND THE WORKINGMEN'S LOAN ASSOCIATION. *Chap. 37*

*Be it enacted, etc., as follows:*

The director of the Collateral Loan Company, and the director of the Workingmen's Loan Association, appointed by the governor of this Commonwealth, shall certify to the correctness of the annual report made to the board of commissioners of savings banks by the company or association of which he is a director, and is authorized to make such other report to said board as he may deem proper.

State directors to certify to correctness of annual reports.

*Approved February 18, 1890.*

AN ACT TO AUTHORIZE THE CONSTRUCTION AND MAINTENANCE OF A HIGHWAY AND BRIDGE OVER THE PARKER RIVER IN THE TOWN OF NEWBURY. *Chap. 38*

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners for the county of Essex, if in their judgment the public necessity and convenience require, are hereby authorized to lay out a highway and construct a bridge across the river Parker, in the town of Newbury in said county, at the place where the bridge of the Newburyport turnpike formerly crossed said river.

Bridge may be built across Parker river, in Newbury.

Notice to be given to all parties interested.

SECTION 2. The said county commissioners, before any work of construction is begun and before laying out said highway or constructing said bridge, shall, after due notice to all parties interested and after a hearing of all such parties, proceed to determine what cities and towns in said county receive special benefit from the construction of said bridge; and shall apportion and assess upon said county and said cities and towns such amount as they shall deem equitable and just for the cost of constructing said bridge. The cost of repairing and maintaining said bridge shall be borne and paid by such cities or towns, or both, as the county commissioners may determine, after such notice and hearing as are hereinbefore required with relation to the original cost.

Repairing and maintaining bridge.

Laying out, etc., to conform to laws relating to highways.

SECTION 3. Said commissioners in laying out and constructing said road and bridge shall in all respects conform to the existing laws relating to laying out and constructing highways.

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

*Approved February 19, 1890.*

**Chap. 39** AN ACT CONCERNING THE SALARY OF THE LATE JOTHAM E. MUNROE

*Be it enacted, etc., as follows:*

Salary may be paid to widow of Jotham E. Munroe.

SECTION 1. The board of aldermen of the city of Boston, acting as county commissioners, are authorized to pay to the widow of Jotham E. Munroe, late an officer in attendance upon the superior court for the transaction of criminal business within and for the county of Suffolk, the balance of the salary of such officer for the year eighteen hundred and eighty-nine to which he would have been entitled had he lived and continued to be such officer during the remainder of said year; but no part thereof shall be paid by the Commonwealth.

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

*Approved February 20, 1890.*

**Chap. 40** AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO MAKE AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

May make an additional water loan.

SECTION 1. The city of Brockton, for the purposes mentioned in section four of chapter one hundred and twenty-four of the acts of the year eighteen hundred and

seventy-eight, is hereby authorized to issue notes, bonds or scrip, from time to time, signed by its treasurer and countersigned by its mayor, to be called on the face thereof Brockton Water Loan, to an amount not exceeding one hundred thousand dollars in addition to the amounts already authorized by law to be issued by the town or city of Brockton 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 Brockton water loan by the town of Brockton: *provided*, that the whole amount of such notes, bonds or scrip issued by said city, together with those issued by the said town or city for the same purposes, shall not exceed the amount of five hundred and twenty thousand dollars.

Whole amount  
of bonds, etc.,  
not to exceed  
\$520,000.

F.T.B

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

*Approved February 20, 1890.*

AN ACT TO INCORPORATE THE WORCESTER EAST AGRICULTURAL SOCIETY. Chap. 41

*Be it enacted, etc., as follows:*

SECTION 1. John E. Thayer, George F. Morse, William A. Kilbourn, Nicholas Frost, Arthur C. Hawkins, F. E. Holman and E. A. Currier, of the towns of Lancaster and Clinton, their associates and successors of the towns of Berlin, Bolton, Boylston, Clinton, Harvard, Lancaster, Sterling and West Boylston, are hereby made a corporation under the name of the Worcester East Agricultural Society, established in the towns of Clinton and Lancaster in the county of Worcester, for the encouragement of agriculture, horticulture and the arts, by premiums and other means; with all the powers, privileges and benefits now accruing to county societies, and subject to all duties, liabilities and restrictions as set forth in all general laws which now are or hereafter may be in force in relation to such corporations. Said corporation may hold by purchase, gift, devise or otherwise real and personal property to an amount not exceeding twenty thousand dollars.

Worcester East  
Agricultural ;  
Society incor-  
porated.

Real and per-  
sonal property  
not to exceed  
\$20,000.

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

*Approved February 20, 1890.*

*Chap. 42* 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 ninety, to wit : —

LEGISLATIVE DEPARTMENT.

Stationery, —  
Senate.

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

House of repre-  
sentatives.

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

Sergeant-at-  
arms.

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

Incidental and  
contingent ex-  
penses.

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

EXECUTIVE DEPARTMENT.

Expenses of  
executive de-  
partment.

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

Postage, print-  
ing, etc.

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

Contingent ex-  
penses.

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

Postage, print-  
ing and station-  
ery.

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

STATE HOUSE EXPENSES, ETC.

State house, re-  
pairs, etc.

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

Fuel and lights.

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

Common-  
wealth building,  
repairs, etc.

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



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 nine hundred dollars.

Civil service commissioners, — rent.

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 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.

Ticknor building.

For rent of rooms for the use of the controller of county accounts, a sum not exceeding six hundred and fifty dollars.

Controller of county accounts.

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.

Bureau of statistics of labor, contingent expenses.

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.

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 one thousand dollars.

Auditor.

For incidental expenses of the attorney-general, a sum not exceeding nineteen hundred and eighty-four 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 of the harbor and land commissioners, a sum not exceeding seven hundred and fifty dollars.
- Incidental and contingent expenses. For incidental and contingent office expenses of the harbor and land commissioners, a sum not exceeding one thousand dollars.
- Insurance commissioner. For incidental and contingent expenses in the department of the insurance commissioner, a sum not exceeding three thousand dollars.
- Commissioners of savings banks. For travelling and incidental expenses of the commissioners of savings banks, a sum not exceeding thirty-three hundred dollars.
- Gas and electric light commissioners. For travelling and incidental expenses of the gas and electric light commissioners, a sum not exceeding one 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 dollars; and for furnishing such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred dollars.
- Civil service commissioners. For compensation and expenses of the civil service commissioners, a sum not exceeding two thousand dollars; and for clerical assistance, expenses of examinations, printing, advertising and stationery, care of office, rent of room for registration of laborers, travelling and incidental expenses of commissioners, chief examiner and secretary, a sum not exceeding seventy-five hundred dollars.
- Commissioners on inland fisheries and game. For compensation and expenses of the commissioners on inland fisheries and game, a sum not exceeding ten thousand two hundred and fifty dollars.
- Controller of county accounts. For travelling and office expenses of the controller of county accounts, a sum not exceeding fifteen hundred dollars.
- State board of arbitration. For travelling, incidental and contingent expenses of the state board of arbitration, a sum not exceeding two thousand dollars.
- State board of health. For travelling and general expenses of the state board of health, a sum not exceeding sixty-eight hundred dollars.

## AGRICULTURAL.

- For bounties to agricultural societies, twenty thousand four hundred dollars. Agricultural societies, bounties.
- For travelling and necessary expenses of the state board of agriculture, a sum not exceeding nineteen hundred dollars. Board of agriculture, expenses.
- 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 travelling and other necessary expenses of the trustees of the Massachusetts agricultural college, a sum not exceeding five hundred dollars. Trustees.
- For the dissemination of useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding fourteen hundred dollars. Lectures.
- For the purpose of exterminating contagious diseases among horses, cattle and other animals, a sum not exceeding five thousand dollars. Contagious diseases.

## EXPENSES RESULTING FROM THE WAR OF THE REBELLION.

- For reimbursement to cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding four hundred and fifteen thousand dollars; the same to be paid on or before the first day of December in the year eighteen hundred and ninety. State and military aid to soldiers, etc.
- For postage, printing and all 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-five hundred and sixty dollars. Clerical assistance, etc.

## MISCELLANEOUS.

- 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. Expenses taking evidence at inquests.

Moneys of insolvent corporations deposited in the treasury.	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.
Public administrators.	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.
Roads in Mashpee.	For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and eighty-nine, the sum of three hundred dollars.
Weights and measures for new towns.	For weights, measures, balances and reports for newly incorporated towns, a sum not exceeding one thousand 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 one thousand 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.
Commissioner of foreign corporations.	For clerk hire, rent, janitor, gas, printing, postage, travelling and incidental expenses of the commissioner for the supervision of foreign corporations engaged in the business of selling or negotiating bonds, mortgages, notes or other choses in action, a sum not exceeding twenty-three hundred and twenty-five dollars.

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

*Approved February 20, 1890.*

**Chap. 43** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE STATE DISTRICT POLICE FORCE.

*Be it enacted, etc., as follows:*

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses of the state district police force during the year ending on the thirty-first day of December in the year eighteen hundred and ninety, to wit: —

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

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

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

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.Incidental and  
other expenses.

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

*Approved February 20, 1890.*

AN ACT RELATING TO THE CLASSIFICATION OF DEPOSITS IN SAVINGS BANKS. *Chap. 44*

*Be it enacted, etc., as follows:*

SECTION 1. Section forty-one of chapter one hundred and sixteen of the Public Statutes, as amended by chapter one hundred and twenty-seven of the acts of the year one thousand eight hundred and eighty-eight, is hereby amended by striking out the word "annually", in the third line thereof, and inserting in place thereof the words: — every fifth year, — so that the section as amended shall read as follows: — *Section 41.* Beginning with the year ending with the last business day of October, eighteen hundred and eighty-nine, and every fifth year thereafter, such reports shall also state the number and amount of deposits of fifty dollars and less, of those exceeding fifty dollars and not more than one hundred dollars, of those exceeding one hundred dollars and not more than two hundred dollars, of those exceeding two hundred dollars and not more than five hundred dollars, of those exceeding five hundred dollars and less than one thousand dollars, of those of one thousand dollars or more: and of those to the credit of women, both adult and minor, guardians, religious and charitable associations, and in trust, respectively, received during the year.

P. S. 116, §. 41,  
1885, 127,  
amended.

Classification of  
deposits in sav-  
ings banks.

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

*Approved February 20, 1890.*

AN ACT TO AUTHORIZE THE WOONSOCKET ELECTRIC MACHINE AND POWER COMPANY OF RHODE ISLAND TO ERECT AND MAINTAIN POLES AND WIRES AND FURNISH ELECTRIC LIGHT AND POWER IN THE TOWN OF BLACKSTONE IN THE STATE OF MASSACHUSETTS. *Chap. 45*

*Be it enacted, etc., as follows:*

SECTION 1. The Woonsocket Electric Machine and Power Company of Woonsocket, in the state of Rhode Island, is hereby authorized to construct and operate

May furnish  
electric light  
and power in  
the town of  
Blackstone.

lines for the transmission of electricity for the purpose of furnishing light and power upon and along the highways and public roads of the town of Blackstone in this Commonwealth, and to erect and maintain upon said highways and public roads such posts and other fixtures as may be necessary to sustain the wires and other fixtures of its lines; and to extend such wires across the state line into said town and append and support such fixtures upon such poles and other supporting fixtures.

Subject to general laws of this Commonwealth.

SECTION 2. Said Woonsocket Electric Machine and Power Company shall, however, be subject to all general laws of this Commonwealth relating to the erection, maintenance and operation of lines for electric light and power, which are now or hereafter may be in force.

Agent to be appointed upon whom process may be served.

SECTION 3. The said company shall appoint in writing an agent, who shall reside in said town of Blackstone, and whose appointment shall be filed with the town clerk of said town of Blackstone; and service of legal process made upon such agent shall have the same legal effect as if the company were established under the laws of this Commonwealth and such service were made upon the corporation itself.

Penalty for neglect.

SECTION 4. A failure or neglect, continuing for fourteen days after demand upon or notice to its agent appointed as aforesaid, to pay and satisfy an execution or comply with a decree of court against it, shall be deemed sufficient ground for a forfeiture of its rights under the foregoing provisions of this chapter, such forfeiture to be enforced by information brought by the attorney-general in his discretion.

Upon failure to comply, etc., permission may be revoked by selectmen.

SECTION 5. The selectmen of said town of Blackstone, upon the neglect or failure of said company to comply with the provisions of this act, may, after due notice and hearing, revoke any permission or direction given by virtue of the provisions of this act, and order the poles, wires and other fixtures of said company to be removed from said public roads and highways; and all such poles, wires, fixtures and other property of said company, not removed within a reasonable time thereafter, shall be forfeited to said town.

Selectmen may make regulations in regard to wires, etc.

SECTION 6. The selectmen of said Blackstone shall have the power at all times to make such regulations in relation to the use and operation of wires and the mode

and purposes of use thereof, within the limits of said town, as the public convenience and safety may require.

*Approved February 20, 1890.*

AN ACT TO AUTHORIZE THE BALLARDVALE UNION SOCIETY TO SELL  
ITS PARSONAGE. Chap. 46

*Be it enacted, etc., as follows :*

SECTION 1. The Ballardvale Union Society, a religious society at Ballardvale in Andover, in the county of Essex, is authorized to sell and convey the parsonage, dwelling-house and land, on Marland street in said Andover, devised to it by Henry S. Greene in the year eighteen hundred and eighty, free of any condition or limitation set forth in said devise ; and shall use the proceeds thereof for the purchase of, or the income of said proceeds to pay rent for, a suitable parsonage for the use of the regular settled congregational minister of said society, according to the will of the testator.

May sell parsonage in Andover.

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

*Approved February 24, 1890.*

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE WATER SERVICE  
AND WATER SUPPLY OF THE CITY OF MALDEN, AND FOR REFUNDING  
ITS WATER DEBT. Chap. 47

*Be it enacted, etc., as follows :*

SECTION 1. The city of Malden, for the purposes of refunding any part of its water debt which the sinking fund, established for its redemption, may not be sufficient to pay at its maturity ; of improving and increasing its present sources of water supply and protecting the same from pollution ; and of extending and perfecting its system of water service and establishing and maintaining high service, is hereby authorized to issue scrip or bonds to be denominated on the face thereof Malden Water Loan, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city is authorized to 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.

Malden Water Loan.

Not to exceed  
\$500,000.

SECTION 2. The whole amount of such scrip and bonds, together with the bonds heretofore issued by said city and by the town of Malden for the purposes of a water supply, outstanding at any time, shall not exceed the sum of six hundred thousand dollars.

Surplus of net  
income from  
water works to  
be set apart as a  
sinking fund.

SECTION 3. The surplus of the net income derived from the water works of said city, after payment of the semi-annual interest upon said scrip and bonds, not otherwise provided for, and after deducting all charges and expenses for and incident to the maintenance and operation of said water works, together with all amounts appropriated from time to time by said city for the payment of the principal sum of said scrip and bonds, shall be set apart as a sinking fund, which, with the accumulated interest upon the same, shall be devoted to the payment at maturity of said scrip and bonds heretofore issued by said city and by the town of Malden, and which may be issued by said city under the provisions of this act.

City may make  
annual assess-  
ments for sink-  
ing fund if net  
income is in-  
sufficient.

SECTION 4. Said city is authorized to appropriate and assess yearly, in the same manner as money is appropriated and assessed for other city purposes, a sum sufficient to pay the interest on said scrip and bonds, and such amount as it may decide towards paying the principal thereof; and in case said net income derived from the water works and set apart as a sinking fund for the payment of said scrip and bonds at maturity, with the accumulated interest, shall be insufficient to meet the requirements of the law as to said sinking fund, said city shall raise by taxation annually such sum, in addition to said net income and accumulated interest, as with its accumulations will be sufficient to meet said requirements. Said sinking fund shall remain sacred and inviolate and pledged to the payment and redemption of said debt and shall be used for no other purpose. The provisions of sections ten and eleven of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to said sinking fund.

Sinking fund to  
be pledged to  
payment of  
debt, and to be  
used for no  
other purpose.

Rights of city  
under 1887, 416,  
not impaired.

SECTION 5. This act shall not impair any of the rights of the city of Malden under chapter four hundred and sixteen of the acts of the year eighteen hundred and eighty-seven, entitled, An Act to provide a further supply of water for the city of Malden, nor take away or limit the authority therein granted to the city to issue scrip or bonds for the purposes specified in said act; but in case the city shall issue said scrip or bonds, or any part thereof,



for the purpose of providing a further supply of water under the authority of said act, the provisions of this act in regard to the payment of the interest thereon from the income of the water works, or by an appropriation and assessment by the city, and the establishing and maintaining of a sinking fund for their redemption at maturity, shall apply to said bonds in the same manner and to the same extent as to bonds issued under the authority of this act.

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

*Approved February 24, 1890.*

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

*Chap. 48*

*Be it enacted, etc., as follows:*

Section three of chapter four hundred and thirty-three of the acts of the year eighteen hundred and eighty-seven is hereby amended to read as follows:—Whenever it appears that the labor of any minor who would be debarred from employment under section two of this act and amendments thereto, is necessary for the support of the family to which said minor belongs, or for his own support, the school committee of said city or town may, in the exercise of their discretion, issue a permit authorizing the employment of such minor within such time or times as they may fix: *provided*, such minor make application to said school committee, or some person duly authorized by said committee, for such a permit before the opening of the yearly session of the evening school of said city or town; and the provisions of said section two shall not apply to such minor so long as said permit is in force; *provided, also*, that if such minor has been prevented by sickness or injury from attending said evening school, as provided in said section two as amended by chapter one hundred and thirty-five of the acts of the year eighteen hundred and eighty-nine, the school committee shall issue to such minor the permit provided for in this section, upon the presentation of the following blank properly filled and signed:

1887, 433, § 3 amended.

Employment of minors may be permitted when necessary for support.

Proviso.

Proviso.

*To the School Committee of the*

: Physician's certificate.

I hereby certify that I have attended  
 from \_\_\_\_\_ to \_\_\_\_\_ ; that said \_\_\_\_\_ was sick  
 or injured with \_\_\_\_\_ ; and that said \_\_\_\_\_ was not

in suitable physical condition to attend evening school for the term of \_\_\_\_\_ days.

(Signed)

*-Attending Physician.*

[Dated]

School committees to furnish blanks.

The school committee of every city or town in this Commonwealth wherein public evening schools are maintained shall furnish blanks described in the foregoing paragraph upon application.

*Approved February 24, 1890.*

**Chap. 49** AN ACT TO AUTHORIZE THE NATIONAL TUBE WORKS COMPANY TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, etc., as follows:*

May increase capital stock.

SECTION 1. The National Tube Works Company, a corporation organized under the general laws of the Commonwealth of Massachusetts, is hereby authorized to increase its capital stock to an amount not exceeding three million dollars, subject to the provisions of the general laws regulating the issue and payment of capital stock of such corporations.

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

*Approved February 24, 1890.*

**Chap. 50** AN ACT RELATING TO THE REPORT OF THE COMMISSIONER OF FOREIGN MORTGAGE CORPORATIONS.

*Be it enacted, etc., as follows:*

To be printed as a public document.

SECTION 1. The annual report of the commissioner of foreign mortgage corporations is made one of the series of public documents, and fifteen hundred copies shall be annually printed.

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

*Approved February 27, 1890.*

**Chap. 51** AN ACT TO INCORPORATE THE COUNTY SAVINGS BANK IN THE CITY OF CHELSEA.

*Be it enacted, etc., as follows:*

County Savings Bank incorporated.

SECTION 1. Arthur B. Champlin, John H. Wilkin-son, David Floyd, 2d, Albert D. Bosson, Charles A. Campbell, Frank E. Fitz, Charles F. Fenno and Rufus S. Frost, their associates and successors, are hereby made a corporation by the name of the County Savings Bank; with authority to establish and maintain a savings bank in the

city of Chelsea, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all 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 February 27, 1890.*

AN ACT TO INCORPORATE THE ACTON MEMORIAL LIBRARY.

*Chap. 52*

*Be it enacted, etc., as follows :*

SECTION 1. Luther Conant, Adelbert Mead, Moses Taylor, Delette Hall, Hiram Hapgood and D. J. Wetherbee, all of Acton in the county of Middlesex, and their associates and successors to be determined and elected as hereinafter provided, are made a body corporate by the name of Acton Memorial Library, for the purpose of establishing and maintaining in said town an institution to aid in the promotion of education and the diffusion of useful knowledge, by means of a library free to all the inhabitants of said town ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporation.

Acton Memorial Library, incorporated.

SECTION 2. The persons hereinbefore named and designated as corporators under this act with three persons to be elected by the town of Acton, as hereinafter provided, shall constitute the trustees of said corporation, and shall have the entire management, control and direction of its affairs, and shall choose from their number a president and a secretary and may prescribe the duties of each, and from time to time may make such by-laws and regulations for the management of the institution, its property and funds, and for the use of the library, not in conflict with this act, as they may deem best.

Trustees.

SECTION 3. The number of the trustees shall not exceed nine ; and three of them shall be elected, one for the term of three years, one for the term of two years and one for the term of one year, by the town of Acton at any legally called meeting of the voters of said town held after the passage of this act, at which meeting this act may be accepted ; and thereafter one trustee shall be elected annually by the town for the term of three years. Any vacancy occurring at any time, by death or otherwise, in the board of corporators or their successors shall be filled forthwith by the remaining members of said board,

Not to exceed nine in number.

Vacancies.

Proviso.

and any vacancy occurring, by death or otherwise, at any time in the board of trustees, of any member who has been duly elected by the town, shall be filled by election by the town at its annual meeting or at a meeting specially called for the purpose: *provided, however*, that no person not an inhabitant of the town of Acton shall be eligible as such trustee.

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

SECTION 4. Said trustees and their successors shall have authority to hold real and personal estate, by purchase or otherwise, to the amount of one hundred thousand dollars for the purpose aforesaid, in addition to books and objects of curiosity and art. All gifts, grants, devises and bequests shall be held and used for such purposes and in conformity with the conditions upon which the same shall be made and given, provided such conditions are not inconsistent with the provisions of this act.

Town may appropriate money to aid in support.

SECTION 5. The town of Acton, so long as a library free to all the inhabitants of said town is maintained therein under reasonable regulations made or to be made by the trustees, is hereby authorized to appropriate and pay money in aid of supporting such institution in the same manner as is authorized by law for the establishment, maintenance or increase of a public library; and said trustees may receive and use, in conformity with this act, all such appropriations.

Funds to be in hands of town treasurer subject to order of trustees.

SECTION 6. The treasurer of the town of Acton for the time being shall receive and hold all funds belonging to the corporation, or of which it has the management or control, subject to the order of the trustees. The board of trustees shall annually make a report to the town of their doings, and their records and books shall at all convenient times be open to the inspection and examination of the board of selectmen of the town.

Annual report to be made.

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

*Approved February 27, 1890.*

**Chap. 53** AN ACT RELATIVE TO THE HOLDING OF PROPERTY BY THE UNITED STATES HOTEL COMPANY OF BOSTON.

*Be it enacted, etc., as follows:*

May use and improve land for any lawful purpose.

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, shall not be limited in the use and improvement of

the land owned by it, situated in the city of Boston and enclosed in the square between Lincoln, Beach, Kingston and Tufts streets, to the purposes set forth in the second section of said act, but may use and improve the said land for any lawful purpose or purposes whatsoever.

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

*Approved February 27, 1890.*

AN ACT TO AUTHORIZE THE LAYING OUT AND CONSTRUCTION OF A HIGHWAY IN THE CITY OF SALEM AND THE TOWN OF PEABODY OVER LAND OF THE HARMONY GROVE CEMETERY.

*Chap. 54*

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners for the county of Essex are hereby authorized to lay out, and the city of Salem and the town of Peabody are hereby authorized to construct, in the manner provided in chapter forty-nine of the Public Statutes, a highway from Grove street in Salem, at a point near and north of the factory of James Dugan, to Walnut street in Peabody, over the marsh land belonging to the Harmony Grove Cemetery and a corner of the upland of said cemetery near the termination of Walnut street.

Highway may be constructed over land of the Harmony Grove Cemetery.

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

*Approved February 27, 1890.*

AN ACT TO AUTHORIZE THE HOME FOR AGED WOMEN IN WALTHAM TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Chap. 55*

*Be it enacted, etc., as follows:*

SECTION 1. The Home for Aged Women in Waltham, incorporated by chapter thirty-four of the acts of the year eighteen hundred and seventy-nine, is hereby authorized for the purposes set forth in said act to hold real and personal estate to an amount not exceeding one hundred thousand dollars.

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

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

*Approved February 27, 1890.*

AN ACT AUTHORIZING THE ARMS ACADEMY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Chap. 56*

*Be it enacted, etc., as follows:*

SECTION 1. The Arms Academy, incorporated by chapter forty-nine of the acts of the year eighteen hundred and sixty, is hereby authorized to hold additional real and

May hold additional real and personal estate.

personal estate to an amount not exceeding fifty thousand dollars.

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

*Approved February 27, 1890.*

**Chap. 57** AN ACT TO AUTHORIZE CHARLES A. KING TO BUILD A BRIDGE ACROSS A TIDE-WATER CREEK IN THE TOWN OF MATTAPOISETT.

*Be it enacted, etc., as follows:*

Charles A. King may build bridge across a tide-water creek in Mattapoisett.

SECTION 1. Charles A. King is hereby authorized to build and maintain a bridge, with a culvert therein and without a draw therein, over and across the creek in the town of Mattapoisett connecting the harbor with the pond called Eel pond or Barlow's pond, and which lies westerly and near to the railroad station in the village of Mattapoisett; subject to the provisions of chapter nineteen of the Public Statutes and of any other laws which now are or hereafter may be in force applicable thereto.

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

*Approved February 27, 1890.*

**Chap. 58** AN ACT TO AMEND AN ACT AUTHORIZING ADVANCES TO OFFICERS ENTRUSTED WITH THE DISBURSEMENT OF PUBLIC MONEYS.

*Be it enacted, etc., as follows:*

Amendment to 1884, 179, § 3.

SECTION 1. Section three of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out the words "on or before the twenty-fifth day of each month", in the second and third lines, and inserting in place thereof the words:— within thirty days from the receipt thereof,— so as to read as follows:— *Section 3.* As soon as may be after expending such advance, and in any case within thirty days from the receipt thereof, the officer who has received money of the Commonwealth under the provisions of this act, shall file with the auditor a statement in detail of the sums expended subsequent to the previous accounting, approved by the board, if any, authorized to supervise such expenditure, and, where it is practicable to obtain them, receipts or other like vouchers of the persons to whom the payments have been made.

Statement in detail to be made to auditor.

Amendment to 1884, 179, § 4.

SECTION 2. Section four of said chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four is amended by striking out the word "health", in the fifth line; and by striking out the words

“one thousand”, in the sixth and seventh lines, and inserting in place thereof the words: — fifteen hundred, — so as to read as follows: — *Section 4.* The amount advanced to any one officer under the provisions of this act, and not expended and accounted for as herein provided, shall not exceed one hundred and fifty dollars at any time, except in case of the disbursing officer of the board of lunacy and charity, where the amount shall not exceed fifteen hundred dollars.

Amount which may be advanced.

**SECTION 3.** All advances made under this act shall be accounted for and vouchers filed with the auditor on or before the twenty-fifth day of December in each year.

Advances to be accounted for and vouchers filed with the auditor.

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

*Approved February 27, 1890.*

AN ACT TO ENABLE THE CITY OF LAWRENCE TO ABATE A NUISANCE EXISTING THEREIN AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

*Chap. 59*

*Be it enacted, etc., as follows:*

**SECTION 1.** The city of Lawrence for the purpose of filling certain low and swamp lands situate in said city and bounded as follows: beginning at the north-east corner of said lands, at the junction of Melvin and Winter streets, thence by a line running westerly and south-westerly through Melvin, Margin and Hancock streets to Doyle street, thence southerly through Doyle street to Water street, thence easterly through Water street to Melrose street, thence southerly through private land to the Merrimack river, thence easterly by said river to Embankment street, thence through Embankment and Winter streets to Melvin street, the point of beginning, may purchase the lands or any of them, in said city, with the buildings or other fixtures thereon, known as Gale's hill, and bounded north by a line running parallel with Lowell street, and about one hundred feet distant from said Lowell street, about two hundred and eighty feet; west by a line parallel with Warren street, and crossing Essex street, and about one hundred and ninety feet distant from said Warren street, about nine hundred and sixty feet; south by a line parallel with Bodwell street, and crossing Greenwood street, and about one hundred feet distant from said Bodwell street, about five hundred and fifty feet; east by a line parallel with Margin street, and about one hundred feet distant from said Margin street, about one thousand

City of Lawrence may purchase Gale's hill for the purpose of filling certain low lands.

May take lands. feet. If said city or its agents do not agree with the owner of any such last named lands to purchase the same, said city may at any time during the year eighteen hundred and ninety take said lands, such taking to be done by vote of the city council. Written notice of such proposed taking shall be served in the manner provided in section sixty-seven, chapter forty-nine of the Public Statutes, for the service of notice of intention to lay out or alter highways. And a hearing shall be had by said city council.

Notice to be given and hearing had.

Description of land taken to be recorded in registry of deeds.

SECTION 2. Within thirty days after the taking of any land under the preceding section, the said city council shall cause to be filed and recorded in the registry of deeds for the northern district of the county of Essex a description of the land so taken sufficiently accurate for identification, with a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the mayor of said city, and the title to the land so taken shall vest absolutely in the city in fee.

Damages.

SECTION 3. If any person whose land is taken under this act agrees with said city upon the damage done him by such taking, the same shall be forthwith paid to him by said city. If any person whose land is so taken, or who suffers damage or injury by such taking, cannot agree with said city as to the value of the estate so taken or as to the injury so suffered, he may have the amount of damages sustained by him assessed by the county commissioners for the county of Essex on application made by him to them in writing within one year after such taking, and either party dissatisfied with the award of the county commissioners may apply within six months after the filing of their award to the superior court for said county of Essex for a jury to assess such damages. The proceedings before the county commissioners and the superior court shall be similar to those in case of land taken for highways. The said city shall forthwith pay to such persons as may be entitled thereto all such sums as may be finally determined to be due to them with all interest and costs awarded therewith.

City may fill lands by contract with the owners as to manner of filling, etc.

SECTION 4. The said city may fill said first described low and swamp lands by contract with the owners of such lands as to the manner of filling and mode of payment therefor by such owners. All such contracts shall be



approved by the mayor and aldermen of said city, who shall likewise establish the grade to which such filling shall be made.

SECTION 5. If said city is unable to agree with the owner of any such low and swamp lands as to the manner of filling the same and mode of payment therefor, the city may, after notice in writing to such owner served in the manner provided in section one, fill such lands to the grade established by the mayor and aldermen, and the expense of such filling or any part thereof may be assessed to the owner of such real estate by said city council. Notice of such assessment shall be forthwith served upon the owner of such real estate, or if the owner is a non-resident, such notice shall be published once a week for three successive weeks in some newspaper published in said Lawrence, and the sum so assessed shall be a lien upon such real estate for two years after it is assessed, and if not paid within ninety days after the service of the notice herein provided, the amount assessed may be collected by a sale of such real estate, conducted in the same manner as a sale of real estate for the non-payment of taxes; or, if said city so elect, the amount so assessed may be collected by a suit at common law.

Expense may be assessed upon owner.

Notice to be given.

SECTION 6. Any person aggrieved at the amount so assessed upon his real estate may, at any time within one year after such assessment, apply to the superior court for said county for a jury to revise such assessment in the manner provided in sections six and seven, chapter fifty-one of the Public Statutes.

Person aggrieved may apply for a jury.

SECTION 7. If any person suffers damage or injury by reason of the filling provided in section five, and cannot agree with said city as to the amount of his damage or injury, he may have the same assessed in the manner provided in section three of this act.

Assessment of damages.

*Approved February 27, 1890.*

AN ACT TO INCORPORATE THE MARLBOROUGH HOSPITAL.

*Chap. 60*

*Be it enacted, etc., as follows:*

SECTION 1. Hannah E. Bigelow, S. Herbert Howe, Edward L. Bigelow, Henry O. Russell, James T. Murphy, Godfrey Broulliette, Charles F. Morse, Eugene G. Hoitt, Timothy A. Coolidge, James Campbell, William H. Fay, James W. McDonald, William S. Frost, William

Marlborough Hospital incorporated.

N. Davenport, Onesime Levasseur, Francis C. Curtis, John O'Connell, Winslow M. Warren, and John E. Curtis, their associates and successors, are hereby made a corporation by the name of Marlborough Hospital, in the town of Marlborough, 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 not to exceed \$500,000.

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 exceeding 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.

Corporation.

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 thereof by ballot.

Board of trustees.

SECTION 4. Said hospital shall be under the care, control and management of a board of trustees, consisting of not less than twelve persons, three of whom shall be elected by the selectmen of Marlborough on or before the second Monday in January in each year, and be residents of said Marlborough; 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 in January in each year. Said board of trustees shall hold office for the term of one 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 necessary. If a trustee shall die, resign, refuse to act or become incompetent to discharge the duties of his office, a successor shall be elected by the selectmen of Marlborough if such trustee is one of the number elected by them, or elected by ballot by the members of the corporation if such trustee was originally elected by the corporation: and such trustee elected as aforesaid to fill such vacancy shall serve for the remainder of the term.

Term of office.

Vacancies.

Trustees to be elected within thirty days.

SECTION 5. Within thirty days after the passage of this act the members of the corporation and the selectmen

respectively shall elect the number of members of the board of trustees to which they are respectively entitled; and said trustees so elected shall serve until the third Monday of January in the year eighteen hundred and ninety-one or until their successors are elected.

SECTION 6. The town of Marlborough is hereby authorized to raise by taxation a sum of money not exceeding one thousand dollars per year, and to appropriate the same toward the support and maintenance of said hospital.

Town may raise money by taxation toward support of hospital.

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

*Approved February 27, 1890.*

AN ACT TO AUTHORIZE THE WORCESTER, NASHUA AND ROCHESTER RAILROAD COMPANY TO ISSUE BONDS TO FUND ITS FLOATING DEBT.

*Chap. 61*

*Be it enacted, etc., as follows:*

SECTION 1. To enable the Worcester, Nashua and Rochester Railroad Company to fund its floating debt, and to furnish means for the retirement of its bonds, the bonds of the Worcester and Nashua Railroad Company and the bonds of the Nashua and Rochester Railroad now outstanding, as they shall become due, the said Worcester, Nashua and Rochester Railroad Company is authorized to issue new bonds from time to time, payable at a time not exceeding forty years from their date; and such bonds shall not exceed in amount outstanding at any one time, of old and new, the amount authorized to be issued and secured under the provisions of section one of chapter two hundred and fifty of the acts of the year eighteen hundred and seventy-nine. The said new bonds shall be secured under the mortgage or trust deed of the railroad, property and franchise of the Worcester and Nashua Railroad Company, made and executed under authority of the aforementioned act, and dated the first day of August in the year eighteen hundred and seventy-nine, in the same way and manner as are the bonds of the Worcester, Nashua and Rochester Railroad Company, the Worcester and Nashua Railroad Company, and the Nashua and Rochester Railroad, now outstanding and secured by said mortgage.

May issue bonds to fund its floating debt.

New bonds to be secured under mortgage deed of August 1, 1879.

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

*Approved February 27, 1890.*

*Chap. 62* AN ACT TO AUTHORIZE THE TOWN OF MAYNARD TO MAKE AN  
ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

Maynard Water  
Loan.

SECTION 1. The town of Maynard, for the purposes mentioned in chapter four hundred and seven of the acts of the year eighteen hundred and eighty-eight, may issue from time to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars in addition to the amount authorized by said chapter; such bonds, notes or scrip shall bear on their face the words Maynard Water Loan, and shall be issued upon the same terms and conditions and with the same powers as are provided in said chapter for the issue of the Maynard water loan by said town: *provided*, the whole amount of such bonds, notes or scrip issued by said town for the purposes mentioned in said chapter shall not exceed in the aggregate the amount of one hundred and twenty-five thousand dollars: and *provided, further*, that said town of Maynard shall not issue any of such additional bonds, notes or scrip, under this act, unless the issuing of the same is authorized by a majority vote of the voters of said town present and voting thereon at any legal town meeting called for the purpose.

Bonds not to  
exceed \$125,000  
in the aggregate.

Proviso.

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

*Approved February 27, 1890.*

*Chap. 63* AN ACT RELATING TO THE TAXATION OF CO-OPERATIVE BANKS.

*Be it enacted, etc., as follows:*

Exempted from  
taxation.

SECTION 1. The capital stock, corporate franchises and personal estate of co-operative banks shall be exempted from taxation; but this act shall not be construed to exempt from taxation any real estate of such corporations.

Repeal of P. S.  
13, § 24.

SECTION 2. Section twenty-four of chapter thirteen of the Public Statutes is hereby repealed.

*Approved February 27, 1890.*

*Chap. 64* AN ACT TO AUTHORIZE THE TOWN OF GARDNER TO CONSTRUCT  
AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

*Be it enacted, etc., as follows:*

Action of town  
confirmed.

SECTION 1. The action of the town of Gardner, at an adjourned town meeting held December twenty-seven, eighteen hundred and eighty-nine, adopting a system of

sewerage and sewage disposal, is hereby ratified and confirmed; and the said town is hereby authorized to construct and maintain said system, or any part thereof, as the town may from time to time by its vote determine.

SECTION 2. The legal voters of the town are authorized, at a meeting called for the purpose, to elect a board of three commissioners, voters of Gardner, who shall be called the board of commissioners of sewerage of Gardner, one of whom shall be elected for one year, one for two years and one for three years from the next annual March meeting after their election. After the first election said commissioners shall be chosen, one each year, at the annual March meeting, and shall serve three years.

Commissioners of sewerage to be elected.

SECTION 3. Said board of commissioners shall alone have power to construct, maintain and repair all sewers, drains and works necessary to complete the system of sewerage and sewage disposal adopted by the town. They shall have full power to take by purchase or otherwise any lands, rights of way, easements or other real estate necessary for the establishment and construction of the system of sewerage and sewage disposal adopted.

To have power to construct and maintain sewers, etc.

SECTION 4. No act shall be done under the authority of this act until the system adopted, and the location of the lands taken for the purpose of sewage disposal, have been approved by the state board of health.

Subject to approval by the state board of health.

SECTION 5. When any lands, rights of way, easements or other interests in real estate are to be taken by the said board of commissioners, under the authority of this act, in any other way than by purchase, said board of commissioners shall, within sixty days from such taking, file and cause to be recorded in the registry of deeds for the county and district where the lands lie a description of the same signed by said board, as certain as is required in a common conveyance of land, with a statement of the purpose for which the same is taken; and upon such filing, the title to such lands, rights of way, easements or other interests in real estate as described shall vest in and become the property of the town; and all sewers, drains and works constructed under authority of this act shall be and remain the property of said town.

Description of lands, etc., taken to be recorded in registry of deeds.

SECTION 6. Said town shall pay all damages sustained by any person or corporation, in property, by reason of such taking; and any person or corporation sustaining damage as aforesaid, who fails to agree with

Town to pay damages sustained.

said board of commissioners as to the amount thereof, may have their 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.

Commissioners may carry sewers and drains under streets, etc.

SECTION 7. Said board of commissioners are authorized for the purpose of this act to carry its sewers and drains under any street, railroad, highway or other way, in such 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 dig up private land.

Town may consent that a specified sum may be awarded as damages.

SECTION 8. In every case of a petition for the assessment of damages or for a jury, the said town may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer and shall not finally recover a greater sum than the sum so offered, not including interest on the sum recovered in damages from the date of the offer, the said town shall be entitled to recover its costs after said date, and the complainant, if he recover damages, shall be allowed his costs only to the date of the offer.

Private drains and sewers.

SECTION 9. Said board of commissioners may allow any person or corporation to enter their private drain into any sewer or drain constructed under the authority of this act, under such terms and conditions as they may determine, and every such person who may use any drain or sewer constructed under the authority of this act shall pay to the town for the permanent privilege to the whole or any part of his estate such sum as said board of commissioners shall determine.

Person aggrieved in damages may apply to county commissioners for a revision.

SECTION 10. A person aggrieved by such determination of a sum to be paid by him under the preceding section may, within six months after written notice of such determination, apply to the county commissioners for a revision thereof. If they reduce the amount, the town shall pay the costs of the application and hearing; otherwise the said costs shall be paid by the applicant.

Sum determined to constitute a lien upon the real estate.

SECTION 11. The sum so determined to be paid under section nine of this act shall constitute a lien upon the real estate connected with any sewer or drain for two years after the notice provided for in section ten, and may with

all incidental costs and expenses be collected by said board of commissioners in the same manner as taxes upon real estate, or in an action of contract in the name of the town.

SECTION 12. Plans and descriptions of all drains and sewers constructed, and all lands, rights of way, easements and other real estate taken under the authority of this act, with a true record of the cost of making and repairing the same, and of all assessments therefor, shall be kept in the office of the said board of commissioners.

Plans, etc., to be kept in office of commissioners.

SECTION 13. The said town may by vote determine what proportion of the cost of the system of sewerage and sewage disposal it shall ultimately pay, provided the amount shall not exceed one-third of the whole cost.

Town may vote what proportion of cost it will pay.

SECTION 14. All contracts made by the said board for the purpose of this act shall be the contracts of the town.

Contracts by commissioners to be contracts of the town.

SECTION 15. The said town of Gardner is hereby authorized to raise and appropriate in such manner as it shall determine, subject to the provisions of chapter twenty-nine of the Public Statutes, such sums of money as shall be required to carry out the purposes of this act, and may from time to time issue negotiable notes, bonds or scrip, to be known as Sewer Scrip of the Town of Gardner, Act of 1890, payable at periods not exceeding twenty years from date of issue and bearing such rate of interest not exceeding six per cent. as the town may determine. The town may sell such securities at public or private sale, or pledge the same, for not less than the par value, for money borrowed for the purposes of this act, on such terms and conditions as it may deem proper.

Sewer Scrip of the Town of Gardner, Act of 1890.

SECTION 16. Whenever it shall appear to the board of health that the health of the community is endangered by the unsanitary condition of any estate which abuts upon any street in which a sewer has been laid they may require the owner of such estate to have such estate connected with the sewer.

Land in unsanitary condition may be ordered by the board of health to be connected with sewer.

SECTION 17. This act shall take effect upon its passage.

*Approved February 27, 1890.*

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AN ACT TO AUTHORIZE THE TOWN OF DUXBURY TO BORROW MONEY IN EXCESS OF THE LIMIT OF INDEBTEDNESS FIXED BY LAW.

*Chap. 65*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Duxbury, in order to pay its share of the cost of building a bridge from Powder

May raise money in excess

of debt limit to  
pay share of  
cost of bridge.

point to Duxbury (Salter's) beach, authorized by chapter three hundred and one of the acts of the year eighteen hundred and eighty-seven and acts amendatory thereof, is hereby authorized to raise, by its treasurer, not exceeding twenty-five thousand dollars by loan, scrip or bonds, in excess of the limit of indebtedness fixed by law.

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

*Approved February 28, 1890.*

*Chap. 66*

AN ACT TO AUTHORIZE THE CONSTRUCTION AND MAINTENANCE OF A HIGHWAY AND BRIDGE OVER POWOW RIVER IN THE TOWN OF AMESBURY.

*Be it enacted, etc., as follows:*

County commis-  
sioners may  
construct  
bridge, etc.,  
across Powow  
river in Ames-  
bury.

SECTION 1. The county commissioners of the county of Essex are hereby authorized and empowered, if in their judgment the public necessity and convenience require, and subject to the provisions of chapter nineteen of the Public Statutes, to lay out a highway and construct a bridge, with a good and sufficient draw therein, across the Powow river on the site of the Powow river bridge in the town of Amesbury.

To apportion  
and assess upon  
county, cities  
and towns for  
cost of construc-  
tion.

SECTION 2. The said county commissioners before any work of construction is begun and before laying out said highway or constructing said bridge shall, after due notice to all parties interested and after a hearing of all such parties, proceed to determine what cities and towns in said county receive special benefit from the construction of said bridge, and shall apportion and assess upon said county and said cities and towns such amount as they shall deem just for the cost of constructing said bridge. The cost of repairing and maintaining said bridge shall be borne and paid by such cities and towns, or both, as the county commissioners may determine, after notice and hearing as heretofore provided with relation to the original cost.

To proceed as  
in laying out,  
etc., highways.

SECTION 3. Said commissioners in laying out and constructing said road and bridge shall in all respects proceed as now provided by law for laying out and constructing highways.

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

*Approved March 4, 1890.*



AN ACT TO INCORPORATE THE DELL PARK CEMETERY ASSOCIATION *Chap. 67*  
OF THE TOWN OF NATICK.

*Be it enacted, etc., as follows:*

SECTION 1. John O. Wilson, Edward Clark, William D. Parlin, Francis Bigelow, Nathan B. Goodnow, John B. Walcott, Leonard Winch, Harrison Harwood, Riley Pebbles, Royal E. Farwell, Daniel Wight and Isaac A. Flagg, their associates and successors, are hereby made a corporation by the name of the Dell Park Cemetery Association, for the purpose of acquiring, controlling, caring for and improving grounds set apart and known as Dell park cemetery, situated and lying within one enclosure in the town of Natick; and said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities contained in all general laws which now are or may hereafter be in force relating to such corporations, except as hereinafter provided.

Dell Park Cemetery Association, incorporated.

SECTION 2. Said corporation is hereby authorized to take possession and assume legal control of said cemetery; and said town of Natick is hereby authorized to transfer and convey to said corporation, upon such terms as may be agreed upon, all the right, title and interest which it has in the lands which have been purchased and set apart for said cemetery, and in all other estate, property, rights and things appertaining thereto, which said town now has or is entitled to have, and in and to all moneys standing to the credit of said cemetery, and all other trust funds relating to said cemetery: *provided*, that a majority of the legal voters of said town present and voting shall vote so to do after being duly notified of the time and place of the meeting called for such intended action. And said corporation shall hold the said property, estate and rights for the same uses and purposes and charged with the same duties and liabilities for and subject to which the same are now held by the town of Natick; and all rights which any persons have acquired in said cemetery shall remain valid to the same extent as if this act had not been passed.

May take possession of Dell Park Cemetery.

Proviso.

SECTION 3. Any person who now is or may hereafter become a proprietor of a lot, by deed or otherwise, in the land mentioned in section one of this act, or in land hereafter acquired by said corporation, shall become a member

Members of corporation.

of said corporation by applying to the trustees hereinafter mentioned and receiving a deed or certificate of such lot from said corporation; and when any person shall cease to be the proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

May acquire additional land.

SECTION 4. Said corporation may acquire by gift, devise or purchase, and hold in fee, additional land to the extent of twenty acres for the purpose of enlarging said cemetery from time to time, and may hold so much personal property as may be necessary for the objects connected with and appropriate to the purposes of said corporation; and the said corporation is hereby authorized to take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof for the improvement or embellishment of said cemetery, or for the construction, repair, preservation or renewal of any monument, fence or other erection, or for planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form consistent with the purposes for which said cemetery is established, according to the terms of said grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of any money, shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation or embellishment of such lot and the erections thereon, the said corporation may give to such proprietor or his representatives an agreement or obligation in such form and upon such terms and conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot forever, or for such period as may be agreed upon.

May take and hold property upon trust.

Officers of the corporation.

SECTION 5. The officers of said corporation shall consist of seven trustees, a clerk, a treasurer, and such other officers as may be provided for by the by-laws. Such officers shall be elected by the corporation at a meeting legally called for that purpose, and said trustees shall in the first instance be chosen one for one year, one for two years, one for three years, and so on respectively; and thereafter one shall be chosen annually to serve for seven years. The other officers of said corporation shall hold their offices for the term of one year or until others shall be chosen and qualified in their stead, unless otherwise provided in the by-laws. The treasurer shall give a bond for the faithful discharge of his duties in such sum and

with such sureties as may be required by the by-laws of the corporation.

SECTION 6. This act shall take effect upon its passage.  
*Approved March 6, 1890.*

AN ACT TO INCORPORATE THE ALPHA THETA CHAPTER OF THE *Chap. 68*  
CHI PSI FRATERNITY IN WILLIAMS COLLEGE.

*Be it enacted, etc., as follows :*

SECTION 1. William P. Prentice, Samuel P. Blagden, George W. Van Slyck, Alexander T. Van Nest, William T. Booth, William M. Grosvenor, Walter F. Hawkins, Fred R. Bigelow, Vanderpaël Adriance, Hale Holden, H. K. White, Jr., Charles C. Nott, John S. Sheppard, Calvin Bullock, Munson Burton, their associates and successors, are made a corporation under the name of the Alpha Theta Chapter of the Chi Psi Fraternity in Williams College, for the purpose of holding and managing the real estate and personal property of the said chapter, with the powers and privileges and subject to the duties, liabilities and restrictions which now are or may hereafter be in force relating to such corporations.

Alpha Theta Chapter of the Chi Psi Fraternity in Williams College.

SECTION 2. The said corporation is hereby authorized to hold meetings, for the purposes mentioned in this act, in the city of New York as well as in this Commonwealth.

May hold meetings in the city of New York.

SECTION 3. The said corporation is authorized to receive, purchase, hold, mortgage and convey real and personal property for the uses of said chapter: *provided*, that the value of the real estate so held at any time shall not exceed fifty thousand dollars, and that said property shall not be exempt from taxation.

Real and personal estate.

SECTION 4. Chapter sixty-one of the acts of the year eighteen hundred and eighty-two is hereby repealed.

Repeal of 1882, 61.

SECTION 5. This act shall take effect upon its passage.  
*Approved March 6, 1890.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF WOBURN AS TO *Chap. 69*  
NOTICE OF SPECIAL MEETINGS OF THE CITY COUNCIL.

*Be it enacted, etc., as follows :*

SECTION 1. Section ten of chapter three hundred and seventy-four of the acts of the year eighteen hundred and eighty-eight is hereby amended by inserting after the word "be", in the sixteenth line thereof, the following words: — delivered in hand or, — so that the fourth paragraph of said section shall read as follows: — He may call special meet-

Special meetings of the city council.

ings of the city council, or either branch thereof, when in his opinion the interests of the city require it, by causing notices to be delivered in hand or left at the usual places of residence of the members to be convened.

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

*Approved March 6, 1890.*

**Chap. 70** AN ACT RELATING TO OFFENCES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER.

*Be it enacted, etc., as follows:*

P. S. 207, § 15,  
amended.

Importing,  
selling,  
receiving, etc.,  
obscene book,  
print, etc.

Section fifteen of chapter two hundred and seven of the Public Statutes is hereby amended by inserting after the word "language", in the third line of said section, the word:— or, — so that the said section shall read as follows:— *Section 15.* Whoever imports, prints, publishes, sells, or distributes a book, pamphlet, ballad, printed paper, or other thing containing obscene, indecent, or impure language, or manifestly tending to the corruption of the morals of youth, or an obscene, indecent, or impure print, picture, figure, or description, manifestly tending to the corruption of the morals of youth, or introduces into a family, school, or place of education, or buys, procures, receives, or has in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan, or circulation, or with intent to introduce the same into a family, school, or place of education, shall be punished by imprisonment in the state prison not exceeding five years, or by imprisonment in the jail not exceeding two years, and by fine not exceeding one thousand dollars nor less than one hundred dollars.

*Approved March 6, 1890.*

**Chap. 71** AN ACT RELATING TO THE FUNERAL EXPENSES OF PAUPERS.

*Be it enacted, etc., as follows:*

P. S. 84, § 17,  
amended.

Funeral ex-  
penses of pau-  
pers.

Section seventeen of chapter eighty-four of the Public Statutes is hereby amended by striking out the word "ten", in the thirteenth line thereof, and substituting therefor the word:— fifteen,— and by striking out the word "five", in the fourteenth line thereof, and substituting therefor the word:— ten,— so that the last clause of said section shall read as follows:— And if in case of their burial the expense thereof is not paid by such kindred, there shall be paid from the treasury of the Commonwealth fifteen dollars for the funeral expenses of each

pauper over twelve years of age, and ten dollars for the funeral expenses of each pauper under that age.

*Approved March 6, 1890.*

AN ACT TO DETERMINE THE LICENSE FEE FOR SPAYED DOGS.

*Chap. 72*

*Be it enacted, etc., as follows:*

Section eighty-two of chapter one hundred and two of the Public Statutes is hereby amended by adding at the end of said section the following words: — unless a certificate of some competent person who performed the operation is filed with the clerk of the city or town, that said female dog has been subjected to the operation of spaying and is thereby deprived of the power to perpetuate her species, in which case the fee shall be two dollars, — so as to read as follows: — *Section 82.* The fee for every license shall be two dollars for a male dog, and five dollars for a female dog, unless a certificate of some competent person who performed the operation is filed with the clerk of the city or town, that said female dog has been subjected to the operation of spaying and is thereby deprived of the power to perpetuate her species, in which case the fee shall be two dollars.

P. S. 102, § 82, amended.

License fees for dogs, determined.

*Approved March 6, 1890.*

AN ACT RELATING TO THE EXPIRATION OF THE LICENSES OF INNHOLDERS AND COMMON VICTUALLERS.

*Chap. 73*

*Be it enacted, etc., as follows:*

SECTION 1. The licenses of innholders and common victuallers, granted under the provisions of chapter one hundred and two of the Public Statutes, shall expire on the thirtieth day of April of each year; but such licenses may be granted during the month of April, to take effect on the first day of May next ensuing.

Expiration of licenses of innholders and common victuallers.

SECTION 2. Section four of chapter one hundred and two of the Public Statutes is hereby repealed.

P. S. 102, § 4, repealed.

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

*Approved March 6, 1890.*

AN ACT IN RELATION TO THE PRESERVATION OF PUBLIC HEALTH IN CITIES.

*Chap. 74*

*Be it enacted, etc., as follows:*

SECTION 1. No privy vault shall be established in a city which accepts this act either upon premises situated on a public or private street, court or passage way

Location of privy vaults in cities, regulated.

where there is a public sewer opposite thereto, or upon premises connected with a public or private sewer, without permission in writing first obtained from the board of health of such city. And whenever there is in such city a privy vault so situated which, in the opinion of the board of health of such city, is injurious to the public health, said board shall declare the same to be a nuisance, and forbid its continuance, and sections twenty-one to twenty-three inclusive of chapter eighty of the Public Statutes shall apply to such nuisances so declared.

To take effect upon acceptance.

SECTION 2. This act shall take effect in any city of the Commonwealth when accepted by the city council thereof.

*Approved March 6, 1890.*

**Chap. 75** AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SEVENTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE AUTHORIZING WILLIS T. EMERY AND OTHERS TO DRIVE PILES IN CHARLES RIVER.

*Be it enacted, etc., as follows:*

Repeal of 1889, 175.

SECTION 1. Chapter one hundred and seventy-five of the acts of the year eighteen hundred and eighty-nine, authorizing Willis T. Emery and others to drive piles in Charles river, is hereby repealed.

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

*Approved March 6, 1890.*

**Chap. 76** AN ACT TO ENLARGE THE POWER OF THE TRUSTEES OF BOSTON UNIVERSITY TO HOLD PROPERTY WITHOUT ADDITIONAL EXEMPTION FROM TAXATION.

*Be it enacted, etc., as follows:*

Amendment to 1869, 322, § 3.

Section three of chapter three hundred and twenty-two of the acts of the year one thousand eight hundred and sixty-nine is hereby amended by striking out the last two lines thereof, "but the clear annual income of the same shall not exceed one hundred thousand dollars", and inserting in place thereof the following: — *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, — so that said section shall read as follows: — *Section 3.* The said corporation may have a common seal, which they may alter or renew at their pleasure, and all deeds sealed with the seal of said corporation, and signed by their order, shall, when

Trustees of Boston University.

made in their corporate name, be considered in law as the deeds of said corporation; and said corporation may sue and be sued in all actions, real, personal and mixed, and may prosecute the same to final judgment and execution by the name of the Trustees of Boston University; and said corporation may take and hold in fee simple, or any less estate, by gift, grant, devise, bequest or otherwise, any land, tenements, or other estate, real or personal: *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.

*Approved March 6, 1890.*

AN ACT TO AUTHORIZE THE BOSTON, WINTHROP AND SHORE RAILROAD COMPANY TO DISCONTINUE AND ABANDON A PART OF ITS ROAD IN THE TOWN OF REVERE.

*Chap. 77*

*Be it enacted, etc., as follows:*

SECTION 1. The Boston, Winthrop and Shore Railroad Company is hereby authorized to discontinue and abandon the whole or any part of that portion of its present railroad route and location which extends from the boundary line between the towns of Winthrop and Revere to the location of the road of the Boston, Revere Beach and Lynn Railroad Company. The said railroad company, whenever it intends to discontinue and abandon said railroad route and location or any part thereof as above authorized, shall file in the office of the clerk of the railroad commissioners a statement of its intention, and said statement so filed shall be conclusive evidence of such discontinuance and abandonment.

May abandon part of its road in town of Revere.

SECTION 2. All persons sustaining injury by such discontinuance and abandonment shall have the same rights and remedies for the assessment and recovery of damages therefor as are now provided by law in relation to damages occasioned by the laying out and maintaining of railroads.

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

*Approved March 6, 1890.*

AN ACT RELATING TO LOANS OF THE BALANCES OF CO-OPERATIVE BANKS.

*Chap. 78*

*Be it enacted, etc., as follows:*

SECTION 1. Section ten of chapter one hundred and seventeen of the Public Statutes is hereby amended by

Amendment to P. S. 117, § 10.

Moneys to be lent by monthly sales, etc.

adding at the end of said section the words:— or may loan the same upon the shares of the corporation, on the approval of the directors or investing committee thereof, at the highest rate paid at the last preceding monthly sale of such moneys,—so that the section shall read as follows:— *Section 10.* The moneys accumulated, after due allowance made for all necessary and proper expenses and for the withdrawal of shares, shall, at each stated monthly meeting, be offered to the members according to the premiums bid by them for priority of right to a loan. Each member whose bid is accepted shall be entitled upon giving proper security to receive a loan of two hundred dollars for each share held by him, or such fractional part of two hundred dollars as the by-laws may allow. If a balance of money remains unsold after a monthly sale, the directors may invest the same in any of the securities named in the second clause of section twenty of chapter one hundred and sixteen, or may loan the same upon the shares of the corporation, on the approval of the directors or investing committee thereof, at the highest rate paid at the last preceding monthly sale of such moneys.

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

*Approved March 7, 1890.*

**Chap. 79** AN ACT TO AUTHORIZE THE FRANKLIN TYPOGRAPHICAL SOCIETY TO HOLD ADDITIONAL REAL ESTATE.

*Be it enacted, etc., as follows:*

May hold additional real estate.

SECTION 1. The Franklin Typographical Society, a corporation chartered in the year eighteen hundred and twenty-five, is hereby authorized to hold additional real estate for the purposes of said society, provided that the entire amount so held shall not exceed fifty thousand dollars in value.

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

*Approved March 10, 1890.*

**Chap. 80** AN ACT TO AMEND AN ACT TO INCORPORATE THE TRUSTEES OF TUFTS COLLEGE.

*Be it enacted, etc., as follows:*

May maintain a preparatory school.

SECTION 1. The trustees of Tufts College are hereby authorized to establish and maintain a preparatory school, and for this purpose said corporation shall be capable of taking and holding in fee, or any less interest, by gift,



grant, bequest, devise or otherwise, any lands, tenements or other estate, real or personal: *provided*, that the clear annual income of the same shall not exceed twenty thousand dollars: and said corporation may act as trustee in accepting, holding and managing estates for said school or incident thereto, and in executing such trusts.

Annual income  
not to exceed  
\$20,000.

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

*Approved March 10, 1890.*

AN ACT TO INCORPORATE THE PARK CONGREGATIONAL CHURCH IN  
SPRINGFIELD.

*Chap. 81*

*Be it enacted, etc., as follows:*

SECTION 1. George M. Stearns, William C. Lawton, Jacob T. Bowne, William L. Quimmell, Oliver C. Morse, William M. Hoag, George H. Olds, Luther Galick, Theodore F. Dwight and John McFethries, with all other members of the Park Congregational Church in Springfield, and their successors as members of such church, are hereby authorized to incorporate by the name of Park Congregational Church, and shall be entitled to all the powers and privileges and subject to all duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force as to such religious societies.

Park Congrega-  
tional Church in  
Springfield may  
be incorporated.

SECTION 2. Said corporation may hold real and personal estate to an amount not to exceed twenty-five thousand dollars for parochial and religious purposes.

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

*Approved March 10, 1890.*

AN ACT TO PROVIDE FOR THE ELECTION OF TRUSTEES OF THE  
WOBURN PUBLIC LIBRARY.

*Chap. 82*

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-four of chapter three hundred and seventy-four of the acts of the year eighteen hundred and eighty-eight is hereby amended by adding at the end of said section the following words:— Any vacancy occurring at any time in the corporation and board of trustees of the Woburn Public Library shall be filled by election by concurrent vote of the city council at any regular meeting thereof or at a meeting specially called for that purpose.

Amendment to  
1888, 374, §24.  
Election of trus-  
tees to fill vacan-  
cies.

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

*Approved March 10, 1890.*

**Chap. 83** AN ACT RELATIVE TO REPORTS OF ACCIDENTS IN FACTORIES AND  
IN MANUFACTURING AND MERCANTILE ESTABLISHMENTS.

*Be it enacted, etc., as follows:*

Amendment to  
1886, 260.

Section one of chapter two hundred and sixty of the acts of the year eighteen hundred and eighty-six is hereby amended by striking out in line one the word "and"; by inserting in line two after the word "corporations" the words:— and proprietors of mercantile establishments, — by striking out in line four the word "or"; also by inserting in line five after the word "manufacturing" the words:— or mercantile, — so as to read as follows:—

Accidents to  
employees to  
be reported to  
the chief of the  
district police.

*Section 1.* All manufacturers, manufacturing corporations and proprietors of mercantile establishments shall forthwith send to the chief of the Massachusetts district police a written notice of any accident to an employee while at work in any factory, manufacturing or mercantile establishment operated by them whenever the accident results in the death of said employee or causes bodily injury of such a nature as to prevent the person injured from returning to his work within four days after the occurrence of the accident.

*Approved March 10, 1890.*

**Chap. 84** AN ACT TO CHANGE THE NAME OF THE FARRELL AND MAY SHOE  
COMPANY.

*Be it enacted, etc., as follows:*

Name changed  
to the Pittsfield  
Shoe Company.

*SECTION 1.* The name of the Farrell and May Shoe Company, a corporation organized under the general laws of the Commonwealth, is hereby changed to the Pittsfield Shoe Company.

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

*Approved March 10, 1890.*

**Chap. 85** AN ACT TO PROVIDE FOR THE ELECTION OF ENGINEERS OF THE  
FIRE DEPARTMENT IN THE CITY OF WOBURN.

*Be it enacted, etc., as follows:*

City charter  
amended.

*SECTION 1.* Section eighteen of chapter three hundred and seventy-four of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out in the sixth and seventh lines thereof the words "a chief engineer and not more than four assistant engineers of the fire department", and by adding at the end of said section the following words:— The city council shall in the month

of March of the current year choose by concurrent vote a chief engineer of the fire department who shall hold office for the term of two years, beginning on the first Monday of April of the current year, and until his successor is chosen and qualified. The city council shall in like manner choose one assistant engineer of the fire department who shall hold office for the term of one year, beginning on the first Monday of April of the current year, and until his successor is chosen and qualified. In the month of March in the year eighteen hundred and ninety-one, and every two years thereafter, the city council shall by concurrent vote choose an assistant engineer who shall hold office for the term of two years, beginning on the first Monday of April then next ensuing, and until his successor is chosen and qualified; and in the month of March of the year eighteen hundred and ninety-two, and every two years thereafter, the city council shall by concurrent vote choose a chief engineer who shall hold office for the term of two years, beginning on the first Monday of April then next ensuing, and until his successor is chosen and qualified, — so that said section as amended shall read as follows:— *Section 18.* The city council shall annually in the month of January in convention choose by joint ballot a city clerk, and also a treasurer and a collector of taxes, who may be the same person, and may by concurrent vote choose a city solicitor, a city auditor, a city physician, a superintendent of streets, who shall hold their respective offices for the term of one year, beginning with the first Monday of February next ensuing, and until their respective successors shall be chosen and qualified. The city council shall in the month of March of the current year choose by concurrent vote a chief engineer of the fire department who shall hold office for the term of two years, beginning on the first Monday of April of the current year, and until his successor is chosen and qualified. The city council shall in like manner choose one assistant engineer of the fire department who shall hold office for the term of one year, beginning on the first Monday of April of the current year, and until his successor is chosen and qualified. In the month of March in the year eighteen hundred and ninety-one, and every two years thereafter, the city council shall by concurrent vote choose an assistant engineer who shall hold office for the term of two years, beginning on the first Monday of April then next ensuing, and until his

Election of  
chief engineer.

Assistant engi-  
neers.

City clerk,  
treasurer, audi-  
tor, etc.

Chief engineer  
and assistants.

successor is chosen and qualified; and in the month of March of the year eighteen hundred and ninety-two, and every two years thereafter, the city council shall by concurrent vote choose a chief engineer who shall hold office for the term of two years, beginning on the first Monday of April then next ensuing, and until his successor is chosen and qualified.

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

*Approved March 10, 1890.*

*Chap. 86* AN ACT TO UNITE THE CITY OF SPRINGFIELD AND THE TOWN OF WEST SPRINGFIELD.

*Be it enacted, etc., as follows:*

City of Springfield and town of West Springfield may unite.

SECTION 1. All the territory now comprised within the limits of the town of West Springfield in the county of Hampden, with the inhabitants and estates therein, is hereby annexed to and made a part of the city of Springfield in said county: *provided, however*, that until constitutionally and legally changed said territory for the purpose of electing state senator and representatives shall continue to belong to the respective districts of which it now is legally a part. All the duties now required by law to be performed by the selectmen and town clerk of the town of West Springfield, or either of them, pertaining to the election of said state senator and representatives, shall, in like manner, devolve upon and be performed by the mayor and board of aldermen and city clerk of the city of Springfield, respectively, as provided by law for such elections in said city. Ward and precinct officers of the ward created out of said territory, as hereinafter provided, shall be appointed, have like duties and perform them in like manner as similar officers of other wards and precincts in said city. The precincts now established in said town shall remain the same until the alteration of the ward limits of said city provided by law.

All public property to be vested in city of Springfield.

SECTION 2. All the public property of the said town of West Springfield shall be vested in and is hereby declared to be the property of the city of Springfield; and said city of Springfield shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of said town of West Springfield. All powers conferred upon

the selectmen by the provisions of section three of chapter forty-four of the acts of the year eighteen hundred and seventy-eight shall be exercised by the board of mayor and aldermen of the city of Springfield, and the provisions of said act shall continue in force. The town treasurer of the town of West Springfield shall, on or before the second Monday of January in the year eighteen hundred and ninety-one, under the direction of the selectmen of said town of West Springfield (who shall for this purpose and for all other purposes necessary to carry into full effect the provisions of this act continue to hold their offices over), transfer, deliver, pay over and account for, to the city treasurer of the city of Springfield, all books, moneys and other property in his possession as town treasurer of said town of West Springfield when this act shall take effect; and the city of Springfield shall become liable for and subject to all the debts, obligations, duties, responsibilities and liabilities of said town of West Springfield: *provided*, that if this act is accepted no debt shall be contracted nor expenses made except for the ordinary expenditures of said town. All actions and causes of action which may be pending or which may have accrued at the time this act shall take effect, in behalf of or against the town of West Springfield, shall survive and may be prosecuted to final judgment and execution in behalf of or against the city of Springfield. The city of Springfield may take the property of the West Springfield Aqueduct Company, in accordance with the provisions of section seven of chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-five: *provided, however*, that until it shall so take said property it shall not, unless hereafter duly authorized by the general court, supply the territory above described, or any portion of the same, with water by connection with or extension of its present system.

City may take property of the West Springfield Aqueduct Company.

SECTION 3. Said territory shall constitute a ward of the city of Springfield, to be called ward nine, and shall so remain until the alteration of the ward limits of said city provided by law; and the ward so established shall be entitled to all the municipal, ward and precinct officers to which each of the other wards and precincts of said city are entitled.

Territory of West Springfield to be a ward of the city of Springfield.

SECTION 4. Trustees shall continue to manage all school and poor funds of said town and shall disburse the

Trustees to manage school and poor funds.

income thereof for the benefit of the territory embraced within its limits according to the terms of their respective trusts.

Liability for taxes.

SECTION 5. The territory so transferred and the inhabitants thereof and their estates shall be liable for all taxes already assessed and not paid, and also all town, county and state taxes that may be hereafter assessed on them by said town of West Springfield and before this act shall take effect, in the same manner as they would have been liable if this act had not been passed; and the town treasurer and collector of said town of West Springfield are hereby authorized to collect the same in the manner provided by law after this act shall take effect.

Territory to be called ward nine.

SECTION 6. If this act shall be accepted as herein-after provided, said territory shall, after the fifth day of November in the year eighteen hundred and ninety, constitute a ward of the city of Springfield, to be called ward nine, for all the purposes mentioned in this section and the following section of this act. The legal voters of said ward nine shall meet in their several voting precincts on the same day in said year, and in the same manner as voters of other wards of said city of Springfield who meet for a like purpose, and bring in their ballots for the several municipal officers for the ensuing year for whom they are entitled to vote by virtue of the provisions of this act. Lists of voters shall be made and posted, and the meetings shall be called, notified and warned, and all other things shall be done as provided by law for other wards of said city in municipal elections. And the legal voters of said town shall have the same right to vote in said election as if said territory had been a part of said city for more than six months preceding said election.

Aldermen, common council and school committee.

SECTION 7. After the present municipal year the board of aldermen of said city shall consist of nine members. The common council of said city shall consist of twenty-one members. The number of the school committee shall be increased by one member elected from said ward nine.

Obligation of contracts not impaired.

SECTION 8. Nothing contained in this act shall impair the obligation of contracts. All franchises and vested rights granted by the town of West Springfield shall remain in full force and operative as though granted by and for the city of Springfield.

Police officers, fire engineers and firemen.

SECTION 9. The several police officers, fire engineers and firemen who shall be serving the said town when this

act shall take effect shall thereafter continue in the discharge of their respective duties as officers and serve said city until others are appointed in their places.

SECTION 10. This act shall not take full effect until it has been accepted by a majority of the legal voters of said city of Springfield present and voting by ballot at meetings which shall be held in the several precincts of said city, and has also been accepted by a majority of the legal voters of the town of West Springfield present and voting thereon at meetings which shall be held in the several precincts of said town. All said meetings shall be held on the third Tuesday of June in the year eighteen hundred and ninety, and upon notice given at least seven days before the time of meeting, and the polls shall be opened at nine o'clock in the forenoon and close at six o'clock in the afternoon of said day. In case of the absence of any precinct officer at any precinct meeting in said city or town, held for the purpose aforesaid, a like officer may be chosen *pro tempore* by hand vote, and shall be duly qualified, and shall have all the powers and be subject to all the duties of the regular officer of said meeting. Said ballot shall be "Yes" or "No" in answer to the question, "Shall an act passed by the legislature of the Commonwealth of Massachusetts in the year eighteen hundred and ninety, entitled 'an act to unite the city of Springfield and the town of West Springfield', be accepted?" Said meeting in said town shall be called, notified and warned by the selectmen in the same manner in which meetings for the election of town officers in said town are called, notified and warned, except that the places of meeting shall be polling places in the precincts to which the voters respectively belong. And such meetings in the city of Springfield shall be called, notified and warned by the mayor and board of aldermen of said city in the same manner in which meetings for the election of municipal officers in said city are called, notified and warned. The ballots given in are to be assorted, counted and declared in the several precinct meetings of said city and said town in open meeting and records made thereof. The clerk of each precinct in the city of Springfield shall make return of all ballots given in his precinct, and the number of ballots in favor of the acceptance of this act and the number of ballots against said acceptance, to the board of aldermen of said city. Said returns shall be

Subject to acceptance by majority vote of Springfield and West Springfield.

Result of balloting to be certified to the secretary of the Commonwealth.

made within forty-eight hours of the close of the polls. It shall be the duty of the city clerk of said city to certify as soon as may be the ballot cast in said city, and the number of ballots cast in favor of the acceptance of this act and the number of ballots cast against said acceptance in said city, to the secretary of the Commonwealth. The clerk in each precinct in the town of West Springfield shall make return of all ballots given in his precinct, and the number of ballots in favor of the acceptance of this act and the number of ballots against said acceptance, to the selectmen of said town. Said returns to be made within forty-eight hours of the close of the polls. The selectmen and town clerk of said town shall, as soon as may be, make a like return of the ballots cast in said town, and the number of ballots cast in favor of acceptance of this act and the number of ballots cast against said acceptance in said town, to the secretary of the Commonwealth. The secretary of the Commonwealth shall keep a record of the returns, and if it shall appear that a majority of the votes cast in the city of Springfield, and a majority of the votes cast in said town, respectively, are in favor of the acceptance of this act, the said secretary shall immediately issue his certificate declaring this act to have been duly accepted.

Secretary to issue certificate of acceptance.

Submission of question of acceptance to take effect upon passage.

SECTION 11. So much of this act as authorizes and directs the submission of the question of the acceptance of this act to the legal voters of said city and said town, respectively, provided for in the tenth section of this act, shall take effect upon its passage.

When to take full effect.

SECTION 12. If this act shall be accepted as herein provided, it shall take effect on the fifth day of November in the year eighteen hundred and ninety, so far as to authorize, legalize and carry into effect the act and provisions of the sixth and seventh sections of this act; but for all other purposes, except as mentioned in section twelve of this act, it shall take effect on the first Monday of January in the year eighteen hundred and ninety-one.

If election or balloting be declared void question may again be submitted.

SECTION 13. If any election or balloting upon the question of the acceptance of this act by either said city or said town shall within sixty days thereafter be declared void by the supreme judicial court, upon summary proceedings which may be had in any county on the petition of fifty voters of either said town or said city, the question of accepting said act shall be again submitted to the legal



voters of said city or said town, and a meeting therefor shall within thirty days thereafter be called, held and conducted, and the votes returned and other proceedings had thereon, in like manner as hereinbefore provided. But no election shall be held void for informality in calling, holding or conducting the election, or returning the votes or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter as aforesaid.

SECTION 14. The present county commissioner for the county of Hampden, residing in said West Springfield, shall continue to exercise the duties of his office until the expiration of the term of office to which he is elected, the same as if this act had not been passed.

County commissioner residing in West Springfield to continue in office.

*Approved March 10, 1890.*

AN ACT TO CHANGE THE NAME AND LOCATION OF THE WESLEYAN HOME FOR ORPHAN AND DESTITUTE CHILDREN.

*Chap. 87*

*Be it enacted, etc., as follows:*

SECTION 1. The corporation organized under the general laws of this Commonwealth as the Wesleyan Home for Orphan and Destitute Children shall hereafter be known as the Wesleyan Home; and all its corporate rights and property, and all gifts, devises, bequests and conveyances to it by either name, which have been or hereafter may be made, shall vest in the Wesleyan Home.

Name changed to Wesleyan Home.

SECTION 2. The location of said corporation shall be in the city of Newton, instead of in the city of Boston as provided in the articles of association; and in addition to the support of orphan and destitute children it may also care for and educate the children of missionaries.

Corporation located in Newton.

*Approved March 13, 1890.*

AN ACT TO CHANGE THE NAME OF THE MELROSE CYCLE CLUB.

*Chap. 88*

*Be it enacted, etc., as follows:*

SECTION 1. The name of the Melrose Cycle Club, of Melrose, incorporated on February fourth in the year eighteen hundred and eighty-nine, under the general laws of Massachusetts, is hereby changed to The Melrose Club.

Name changed to The Melrose Club.

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

*Approved March 13, 1890.*

**Chap. 89** AN ACT TO AUTHORIZE THE WASHINGTON MILLS COMPANY TO ISSUE  
PREFERRED STOCK.

*Be it enacted, etc., as follows:*

May issue preferred stock.

SECTION 1. The Washington Mills Company, by a vote of the holders of three-fourths of its general stock at a meeting duly called for the purpose, is hereby authorized to issue preferred stock to an amount not exceeding five hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each. Holders of said preferred stock shall be entitled to receive and said company shall be bound to pay thereon such half-yearly interest or dividends, not exceeding four per centum, as shall be fixed by the vote authorizing the same and expressed in the certificates.

Preferred stock to be liable for debts in the same manner as general stock.

SECTION 2. Said preferred stock shall be liable for the debts of the company, in the same manner as the general stock, but the holders of said preferred stock shall in no event be further liable for the debts of the company. The preferred stock created under authority of this act shall not render the general stockholders liable for the debts or contracts of the company; but in the event of the dissolution of said company, or winding up of its affairs, the holders of said preferred stock shall be entitled to full payment thereof, after all debts of said company shall have been paid, before any part of the assets of said company shall be applied on account of the general stock.

General stockholder may take proportionate share of preferred stock.

SECTION 3. Every holder of general stock in said company shall have the right to take his proportionate share of said preferred stock by subscribing and paying for the same within such time as shall be fixed therefor by the vote authorizing the issue thereof.

Redemption of preferred stock by company.

SECTION 4. Said company shall have the right to redeem said preferred stock at par after a fixed time, to be expressed in the vote authorizing the same and in the certificates: *provided*, that no part thereof shall be redeemed at any time when the debts of said company exceed the amount of the general stock.

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

*Approved March 13, 1890.*

**Chap. 90** AN ACT IN RELATION TO THE EMPLOYMENT OF CUSTODIANS OF  
ELEVATORS.

*Be it enacted, etc., as follows:*

Age of custodians of elevators, determined.

SECTION 1. No person, firm or corporation shall employ or permit any person under fifteen years of age

to have the care, custody, management or operation of any elevator, or shall employ or permit any person under eighteen years of age to have the care, custody, management or operation of any elevator running at a speed of over two hundred feet a minute.

SECTION 2. Whoever violates the provisions of this act shall forfeit a sum not less than twenty-five dollars nor more than one hundred dollars for each offence.

*Approved March 13, 1890.*

AN ACT TO REPEAL CERTAIN ACTS PROHIBITING THE SEINING OF FISH IN THE PONDS ON THE ISLAND OF NANTUCKET.

*Chap. 91*

*Be it enacted, etc., as follows :*

SECTION 1. Chapter one hundred and eighty of the acts of the year eighteen hundred and seventy-five and chapter forty-nine of the acts of the year eighteen hundred and seventy-six, prohibiting the seining of fish in the ponds on the island of Nantucket, are hereby repealed.

Repeal of 1875, 180; 1876, 49.

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

*Approved March 13, 1890.*

AN ACT TO AUTHORIZE THE EAST WAREHAM, ONSET BAY AND POINT INDEPENDENCE STREET RAILWAY COMPANY TO DO BUSINESS AS A COMMON CARRIER.

*Chap. 92*

*Be it enacted, etc., as follows :*

SECTION 1. The East Wareham, Onset Bay and Point Independence Street Railway Company is hereby authorized to carry on the express business and to be a common carrier for the conveyance of goods, between the Old Colony railway station at East Wareham and Onset Bay and Point Independence, subject to the provisions of chapter seventy-three of the Public Statutes and of all laws relating to common carriers and express companies.

May carry on the express business, etc.

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

*Approved March 13, 1890.*

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF NEWTON.

*Chap. 93*

*Be it enacted, etc., as follows :*

SECTION 1. The salary of the justice of the police court of Newton shall be twelve hundred and fifty dollars a year, from the first day of January in the year eighteen hundred and ninety.

Salary established.

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

*Approved March 13, 1890.*

**Chap. 94** AN ACT TO PROVIDE THAT BONDS ISSUED FOR THE METROPOLITAN SEWERAGE LOAN SHALL BE REDEEMABLE IN GOLD OR ITS EQUIVALENT.

*Be it enacted, etc., as follows:*

Payable in gold coin or its equivalent.

SECTION 1. The interest and principal of the scrip or certificates of debt issued by the treasurer of the Commonwealth under authority of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, for the metropolitan sewerage loan, shall be payable, and when due shall be paid, in gold coin or its equivalent.

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

*Approved March 14, 1890.*

**Chap. 95** AN ACT TO PROVIDE AGAINST DEPREDATIONS BY THE INSECT KNOWN AS THE OCNERIA DISPAR OR GYPSY MOTH.

*Be it enacted, etc., as follows:*

Commissioners to be appointed.

SECTION 1. The governor by and with the consent of the council is hereby authorized to appoint a commission of not exceeding three suitable and discreet persons, whose duty it shall be to provide and carry into execution all possible and reasonable measures to prevent the spreading and to secure the extermination of the ocneria dispar or gypsy moth in this Commonwealth; and to this end said commission shall have full authority to provide itself with all necessary material and appliances and to employ such competent persons as it shall deem needful; and shall also have the right in the execution of the purposes of this act to enter upon the lands of any person.

Powers and duties.

Damages and benefits.

SECTION 2. The owner of any land so entered upon, who shall suffer damage by such entry and acts done thereon by said commission or under its direction, may recover the same of the city or town in which the lands so claimed to have been damaged are situate, by action of contract; but any benefits received by such entry and the acts done on such lands in the execution of the purposes of this act shall be determined by the court or jury before whom such action is heard, and the amount thereof shall be applied in reduction of said damages; and the Commonwealth shall refund to said city or town one-half of the amount of the damages recovered.

Rules and regulations.

SECTION 3. Said commission shall have full authority to make from time to time such rules and regulations in furtherance of the purposes of this act as it shall deem needful; which rules and regulations shall be published

in one or more newspapers published in the county of Suffolk, and copies of such rules and regulations shall be posted in at least three public places in each city or town in which said oceria dispar or gypsy moth shall be found by such commission to exist, and a copy thereof shall be filed with the city or town clerk of each city or town. Any person who shall knowingly violate any of the provisions thereof shall be punished for each violation by a fine not exceeding twenty-five dollars.

Penalty.

SECTION 4. Said commission shall keep a record of its transactions and a full account of all its expenditures, in such form and manner as shall be prescribed by the governor and council, and shall also make return thereof to the governor and council at such time or times and in such form as shall be directed by the governor and council. The expenses incurred under this act shall be paid by the Commonwealth, except claims for damages by the entry upon the lands of any person and acts done thereon by said commission or by its direction, which shall be paid as provided in section two of this act.

Record of transactions and account of expenditures to be made.

Expenses to be paid by the Commonwealth except claims for damages.

SECTION 5. The governor and council shall establish the rate of compensation of the commissioners appointed under this act, and the governor may terminate their commissions at his pleasure.

Compensation.

SECTION 6. Any person who shall purposely resist or obstruct said commissioners or any person or persons under their employ, while engaged in the execution of the purposes of this act, shall be punished by a fine not exceeding twenty-five dollars for each offence.

Penalty for obstructing commissioners, etc.

SECTION 7. It shall be unlawful for any person to knowingly bring the insect known as the oceria dispar or gypsy moth, or its nests or eggs, within this Commonwealth; or for any person knowingly to transport said insect, or its nests or eggs, from any town or city to another town or city within this Commonwealth, except while engaged in and for the purposes of destroying them. Any person who shall offend against the provisions of this section of this act shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the house of correction not exceeding sixty days, or by both said fine and imprisonment.

Penalty for bringing the gypsy moth into the state, etc.

SECTION 8. To carry out the provisions of this act a sum not exceeding twenty-five thousand dollars may be expended.

\$25,000 may be expended, etc.

SECTION 9. This act shall take effect upon its passage.

*Approved March 14, 1890.*

**Chap. 96** AN ACT TO AUTHORIZE THE EDISON ELECTRIC ILLUMINATING COMPANY OF BOSTON TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, etc., as follows :*

May increase capital stock.

SECTION 1. The Edison Electric Illuminating Company of Boston, a corporation organized under the general laws of the Commonwealth, 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 Edison Electric Illuminating Company of Boston shall not exceed two million dollars, subject to the provisions of the general laws regarding the issue and payment of capital stock of such corporations.

Proviso.

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

*Approved March 17, 1890.*

**Chap. 97** AN ACT RELATING TO THE REPORTS OF THE BUREAU OF STATISTICS OF LABOR.

*Be it enacted, etc., as follows :*

Reports may be published in parts.

SECTION 1. The chief of the bureau of statistics of labor is hereby authorized to publish parts of the reports to be made by said bureau, when said parts are complete in themselves, before the presentation of the entire reports : *provided*, that whenever a part is to be so published a copy thereof shall, upon the day of publication, be formally transmitted to the legislature if it is in session.

Proviso.

Number limited.

SECTION 2. The authority given in section one of this act to publish parts of such reports shall not authorize the printing of a larger number of each of such parts than is provided for in section seven of chapter four hundred and forty of the acts of the year eighteen hundred and eighty-nine.

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

*Approved March 17, 1890.*

**Chap. 98** AN ACT AUTHORIZING THE WOMAN'S BOARD OF MISSIONS TO HOLD ITS MEETINGS OUTSIDE THE COMMONWEALTH.

*Be it enacted, etc., as follows :*

May hold meetings without the Commonwealth.

SECTION 1. The Woman's Board of Missions is hereby authorized to hold its meetings in any state or territory of the United States or the District of Columbia.

Proceedings made valid.

SECTION 2. No act or proceeding of said corporation at any meeting heretofore held shall be deemed to be invalid for the reason that said meeting was held outside of this Commonwealth.

*Approved March 17, 1890.*

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO MAKE AN *Chap. 99*  
ADDITIONAL DRAINAGE LOAN.

*Be it enacted, etc., as follows :*

SECTION 1. The city of Brockton, for the purposes mentioned in chapter three hundred and nine of the acts of the year one thousand eight hundred and eighty-eight, and for the purpose of 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 amounts authorized to be raised under said chapter three hundred and nine of the acts of the year one thousand eight hundred and eighty-eight and under chapter two hundred and twenty-one of the acts of the year one thousand eight hundred and eighty-nine ; and for these purposes may issue from time to time negotiable bonds, notes or scrip, not exceeding said sum of fifty thousand dollars. Such bonds, notes or scrip shall be denominated on the face thereof City of Brockton Drainage Loan, Act of 1890, and shall be payable at the expiration of periods not exceeding thirty years from their date of issue, and shall bear such rate of interest, not exceeding five per centum per annum, as the city council shall determine. 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 during the current year.

May make an additional drainage loan.

May sell securities at public or private sale, etc.

Sinking funds.

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

*Approved March 19, 1890.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO BORROW MONEY FOR THE PURPOSE OF ESTABLISHING A TRUANT SCHOOL. *Chap. 100*

*Be it enacted, etc., as follows :*

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized to borrow on the credit of said county a sum not exceeding ten thousand

May borrow money for establishment of a truant school.

dollars, for the purpose of establishing a truant school in and for said county; such money to be expended in the purchase of a site and grounds to be held by said county, and in providing suitable buildings and appurtenances for said truant school; but no sum shall be borrowed under the authority of this act in excess of the amount necessarily and actually expended for the purposes aforesaid.

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

*Approved March 19, 1890.*

**Chap.101** AN ACT TO AUTHORIZE THE SALE OF THE SOUTHERN VERMONT RAILROAD TO THE FITCHBURG RAILROAD COMPANY.

*Be it enacted, etc., as follows:*

Right of Commonwealth in the southern Vermont railroad may be sold to the Fitchburg Railroad Company.

Proviso.

SECTION 1. The governor and council are hereby authorized to sell and convey the southern Vermont railroad, and all the right, title and interest of the Commonwealth in and to the same, together with the franchise to operate the same, to the Fitchburg Railroad Company: *provided, however,* that this act shall not authorize the governor and council to compromise any claims of the Commonwealth against the Fitchburg Railroad Company or of the Fitchburg Railroad Company against the Commonwealth in the sale of said southern Vermont railroad.

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

*Approved March 19, 1890.*

**Chap.102** AN ACT CONCERNING NOTICE IN CASE OF INFECTIOUS OR CONTAGIOUS DISEASES.

*Be it enacted, etc., as follows:*

Amendment to 1884, 98, § 1.

Infectious and contagious diseases.

Section one of chapter ninety-eight of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out all of said section and inserting in place thereof the following new section:— *Section 1.* When a householder knows that a person within his family or house is sick of small-pox, diphtheria, scarlet fever, or any other infectious or contagious disease dangerous to the public health, he shall immediately give notice thereof to the board of health of the city or town in which he dwells, and, upon the death, recovery or removal of such person, such of the rooms of said house and such of the articles therein as, in the opinion of the board of health, have been subjected to infection or contagion shall be disinfected by such householder to the satisfaction of said



board of health. Any person neglecting or refusing to comply with either of the above provisions shall be punished by a fine not exceeding one hundred dollars.

*Approved March 19, 1890.*

AN ACT TO AUTHORIZE THE CITY OF HAVERHILL TO RAISE MONEY  
FOR THE CELEBRATION OF THE TWO HUNDRED AND FIFTIETH  
ANNIVERSARY OF ITS SETTLEMENT AS A TOWN.

*Chap. 103*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Haverhill is hereby authorized to raise by taxation a sum not exceeding ten thousand dollars for the purpose of celebrating, during the current year, the two hundred and fiftieth anniversary of its settlement as a town, and of publishing an account of the proceedings of such celebration.

Celebration of anniversary of settlement as a town.

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

*Approved March 19, 1890.*

AN ACT TO AMEND AN ACT CONCERNING THE COUNTERFEITING OF  
PRIVATE LABELS, STAMPS AND TRADE-MARKS.

*Chap. 104*

*Be it enacted, etc., as follows:*

Sections sixty-three and sixty-four of chapter two hundred and three of the Public Statutes are hereby amended by adding after the word "manufacturer", occurring twice in the fourth line of said section sixty-three and once in the third line of said section sixty-four, the words: — or labor and trade association, — so that the said sections shall read as follows: — *Section 63.* Whoever knowingly and wilfully forges or counterfeits, or causes or procures to be forged or counterfeited, upon goods, wares, or merchandise, a private label, stamp, or trade-mark of a mechanic, or manufacturer, or labor and trade association, with intent to defraud the purchaser, or manufacturer, or labor and trade association, of any goods, wares, or merchandise whatever, shall be punished by imprisonment not exceeding six months, or by fine not exceeding five hundred dollars. *Section 64.* Whoever vends any goods, wares, or merchandise having thereon a forged or counterfeited stamp, label, or trade-mark of any mechanic, or manufacturer, or labor and trade association, knowing the same to be forged or counterfeited, without disclosing the fact to the purchaser, shall be punished by imprisonment not exceeding six months, or by fine not exceeding fifty dollars.

P. S. 203, §§ 63, 64 amended.

Penalty for counterfeiting trade-marks, etc.

Penalty for selling wares having a counterfeit trade-mark, etc.

*Approved March 19, 1890.*

**Chap.105** AN ACT RELATIVE TO THE RELEASE OF DOWER BY THE GUARDIAN  
OF AN INSANE WIFE.

*Be it enacted, etc., as follows:*

P. S. 147, § 20  
amended.

Dower, etc., of  
an insane wife  
may be released  
by her guardian  
with permission  
of probate  
court.

Section twenty of chapter one hundred and forty-seven of the Public Statutes is hereby amended by striking out the words "notice in some newspaper", in the sixth line of said section, and inserting in place thereof the following:—such notice as the court may order,—so that said section as amended shall read as follows:—*Section 20.* When the husband of an insane woman is desirous of conveying any of his real estate, whether absolutely or by way of mortgage, he may by petition, describing the same, ask leave of the probate court that the dower of his wife or any estate of homestead therein may be released, setting forth the facts and reasons why his prayer should be granted. After such notice as the court may order to all persons interested and a hearing thereon, the court, if satisfied that such dower or estate of homestead ought to be released, shall authorize the guardian of the wife to make such release by joining in any deed of conveyance to be made within five years thereafter either by the husband or by a trustee for him, and whether such deed passes the whole or only separate parcels or lots of said real estate.

*Approved March 19, 1890.*

**Chap.106** AN ACT TO ALLOW THE TRUSTEES OF THE PEDO-BAPTIST CONGREGATIONAL SOCIETY OF DIGHTON TO HOLD ADDITIONAL PROPERTY.

*Be it enacted, etc., as follows:*

May hold additional real and personal estate.

SECTION 1. The trustees of the Pede-baptist Congregational Society of Dighton, incorporated in the year seventeen hundred and ninety-eight to receive and hold funds to the amount of eight thousand five hundred dollars in trust for the use and benefit of the pedo-baptist congregation and the permanent support of the pedo-baptist congregational minister of Dighton, are hereby authorized to hold additional property, real and personal, for the above named purposes, to an amount not exceeding forty thousand dollars. But the church lot and the church buildings thereon shall alone be exempt from taxation.

Exemption from taxation.

Doings ratified and confirmed.

SECTION 2. All acts and doings of said trustees and said corporation under said act and charter, so far as the same may be defective and invalid, are hereby ratified and confirmed.

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

*Approved March 19, 1890.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO BORROW MONEY ON THE CREDIT OF SAID COUNTY FOR REPAIRING THE COURT HOUSE AT PITTSFIELD. *Chap.107*

*Be it enacted, etc., as follows :*

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized to borrow on the credit of said county a sum of money not exceeding five thousand dollars, for the expense of necessary repairs and improvements in and upon the court house of said county at Pittsfield ; but no sum shall be borrowed under the authority hereby granted in excess of the amount actually and necessarily expended for the purpose aforesaid.

May borrow money for repairs, etc., upon court house in Pittsfield.

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

*Approved March 19, 1890.*

AN ACT TO INCORPORATE THE PLYMOUTH AND MIDDLEBOROUGH RAILROAD COMPANY. *Chap.108*

*Be it enacted, etc., as follows :*

SECTION 1. Nathaniel Morton, William R. Drew, Gideon F. Holmes, Jason W. Mixter, Roswell S. Douglass, Charles O. Churchill, William P. Stoddard, Benjamin A. Hathaway, Increase Robinson, George F. Morse, Theron Cole, George L. Soule, Eugene P. LeBaron, Albert T. Savery, Thomas D. Shumway, Samuel H. Doten, Hervey N. P. Hubbard, their associates and successors, are hereby made a corporation by the name of the Plymouth and Middleborough 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.

Plymouth and Middleborough Railroad Company, incorporated.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad with one or more tracks, commencing at some suitable point in the town of Plymouth, thence running through the town of Carver to some suitable point in the town of Middleborough, by the most expedient and feasible route through and in the towns herein named, and to transport and carry persons and property by steam, mechanical or other power that said corporation may choose to apply.

May construct, etc., a railroad from Plymouth, through Carver to Middleborough.

SECTION 3. The capital stock of said corporation shall be two hundred and forty thousand dollars, with the privilege of increasing the same at the pleasure of the

Capital stock and shares.

corporation to an amount not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each.

First meeting of stockholders, organization, etc.

SECTION 4. The persons named in the first section of this act, or a majority of them, are hereby authorized to call the first meeting of the stockholders of the corporation whenever the sum of eighty thousand dollars has been subscribed to the capital stock, to choose directors and to perfect the organization of said corporation; and whenever said corporation shall have been so organized it may proceed to begin the construction of the railroad hereinbefore specified.

Subscription for stock by towns.

SECTION 5. Any town within whose limits the road of said corporation shall be located may subscribe for shares in the capital stock of said corporation, without the restrictions contained in section forty-nine of chapter one hundred and twelve of the Public Statutes, providing that such subscription shall be void unless at least twenty per cent. of the capital stock of the corporation is actually paid in cash, and at least ten per cent. of the capital stock is actually expended by it in the construction of its road.

May make contracts with connecting roads.

SECTION 6. Said railroad company may make any lawful contract with any other railroad company with whose tracks it may connect or intersect, in relation to its business or property, and may take a lease of the property and franchise of, or lease its property and franchise to, or make joint stock or consolidate with, any such railroad company; and any company having any such intersecting or connecting railroad may make with said company the contracts aforesaid.

May borrow money, issue bonds and secure by mortgage.

SECTION 7. Said railroad company may borrow money for any lawful purpose, and may by vote at a meeting duly called for the purpose issue coupon or registered bonds for the payment of money borrowed, and may mortgage or pledge as security for the payment of said bonds a part or all of its railroad equipment or franchise, and a part or all of its property, real or personal. Such bonds may be issued to an amount not to exceed at any time the sum of fifteen thousand dollars per mile for each mile actually constructed and ready for operation, and in all respects other than the amount to be issued as herein specified such bonds shall conform and be subject to, and said company shall issue the same in conformity with, all laws authorizing and regulating the issue of bonds by railroad companies.

Bonds not to exceed \$15,000 per mile actually constructed.

SECTION 8. Said Plymouth and Middleborough railroad shall be located within three years, and constructed within five years from the date of the passage of this act.

To be located within three years and constructed within five years.

SECTION 9. This act shall take effect upon its passage.

*Approved March 20, 1890.*

AN ACT TO INCORPORATE THE RIVERBANK IMPROVEMENT COMPANY.

*Chap. 109*

*Be it enacted, etc., as follows:*

SECTION 1. John Quincy Adams, Charles Francis Adams, Charles U. Cotting, Edward I. Browne, Charles P. Bowditch, Howard Stockton, Charles H. Heath, Edward Atkinson, Harold Williams and Moses Williams, their associates and successors, are hereby made a corporation for the term of thirty years from the passage of this act, under the name of the Riverbank Improvement Company; with all the powers and privileges and subject to all the duties, liabilities and restrictions which now are or hereafter may be in force applicable to corporations organized under the provisions of chapters one hundred and five and one hundred and six of the Public Statutes.

Riverbank Improvement Company incorporated.

SECTION 2. Said corporation is authorized to hold any lands or flats in Boston between Commonwealth avenue and Charles river which lie easterly from the Essex street bridge, so called, over Charles river, and westerly from a passage way leading from Beacon street at its junction with Commonwealth avenue northerly to Charles river: *provided*, that said lands and flats shall be purchased by the corporation or conveyed to it in exchange for shares of the capital stock at valuations approved in writing by the commissioner of corporations; but it shall not purchase or hold any lands or flats beyond the limits above mentioned; it may, subject to the provisions of chapter nineteen of the Public Statutes and of any laws which now are or hereafter may be in force applicable thereto, build sea-walls upon its lands and fill up the same to adapt them for habitation; may build streets and develop its property, and sell and lease such parts of its lands as it may find expedient.

May hold certain lands or flats in Boston.

*Proviso.*

SECTION 3. The capital stock of said corporation shall be divided into shares of one hundred dollars each, and said corporation may issue such number of said shares as may be necessary to pay for any lands or flats, within the limits aforesaid, conveyed to the owners thereof at valuations approved in writing by the commissioner of corpo-

Capital stock and shares.

rations, and also shares to an amount not exceeding two hundred thousand dollars, to be paid for in cash at par.

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

*Approved March 20, 1890.*

**Chap.110** AN ACT TO ENABLE THE CITY COUNCIL OF THE CITY OF LYNN TO FILL VACANCIES IN THE BOARD OF ASSESSORS.

*Be it enacted, etc., as follows:*

Election of assessors to fill vacancies.

SECTION 1. If any person who is elected a member of the board of assessors of the city of Lynn fails for any cause to accept said office, or if any member of said board dies, resigns or for any cause becomes disqualified for the performance of the duties of said office, the remaining members of the board of assessors shall give notice of the fact in writing to the board of mayor and aldermen. The board of mayor and aldermen shall declare said office to be vacant, and shall thereupon call a meeting of the city council to be held in joint convention for the purpose of temporarily filling such vacancy. Notice of such joint convention shall be signed by the city clerk and shall be published daily in a newspaper of said city for at least one week before said convention takes place. The candidate receiving the majority of ballots cast at such convention shall be declared elected.

Terms of service.

SECTION 2. The term of service of every member elected by the city council, in pursuance of the provisions of the preceding section, shall end with the municipal or official year in which he is chosen; and if the term of the office declared vacant as aforesaid extended beyond the municipal year in which such election by the city council occurs, the remainder of such term shall be filled by an assessor elected by the legal voters of said city in the manner provided by the city charter.

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

*Approved March 20, 1890.*

**Chap.111** AN ACT PROVIDING THAT CERTAIN SESSIONS OF THE PUBLIC SCHOOLS SHALL BE DEVOTED TO EXERCISES OF A PATRIOTIC NATURE.

*Be it enacted, etc., as follows:*

School exercises at last session prior to Memorial Day.

SECTION 1. In all the public schools of the Commonwealth the last regular session prior to Memorial Day, or a portion thereof, shall be devoted to exercises of a patriotic nature.

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

*Approved March 21, 1890.*

AN ACT TO INCORPORATE THE SOMERVILLE FIREMEN'S RELIEF *Chap.112*  
ASSOCIATION.

*Be it enacted, etc., as follows :*

SECTION 1. James R. Hopkins, Bernard W. Lawrence, David A. Samborn, John E. Hill, Nathaniel C. Barker, Thomas H. Daley, Edwin H. Bright, James A. McLane, Frank W. Ring, Charles H. Bridges, Samuel H. Stevens and Irving C. Jackson, their associates and successors, are hereby made a corporation by the name of the Somerville Firemen's Relief Association, for the purpose of furnishing aid and assistance to such firemen, members of the fire department of the city of Somerville and of said association, as may have been injured by any kind of accident while in the performance of their duty as firemen, and of furnishing aid in the payment of the expenses of the burial of such firemen as may have died while members of such department and association; 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.

Somerville Firemen's Relief Association, incorporated.

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

Real and personal estate not to exceed \$15,000.

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

*Approved March 21, 1890.*

AN ACT TO INCORPORATE THE TRUSTEES OF THE CAMBRIDGE SOCIAL UNION. *Chap.113*

*Be it enacted, etc., as follows :*

SECTION 1. John L. Hildreth, John Gardner White, George S. Saunders, Nathan G. Gooch and William M. Vaughan, trustees under the deed of trust from the Cambridge Social Union, dated February third, eighteen hundred and ninety, and their successors in trust, are hereby made a corporation by the name of the Trustees of the Cambridge Social Union, for the purposes hereinafter set forth; with all the powers and privileges and subject to all the duties, restrictions and liabilities in the general laws which now are or hereafter may be in force in relation to corporations organized under chapter one hundred and fifteen of the Public Statutes and all acts in amendment thereof and in addition thereto.

Trustees of the Cambridge Social Union, incorporated.

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

SECTION 2. Said corporation is hereby authorized to hold in trust and administer, transfer and convey according to said deed, the real estate therein conveyed, and such other real and personal estate as may be purchased by or given, granted, conveyed, bequeathed or devised to it and accepted by it for the benefit of the Cambridge Social Union or any purpose connected therewith, to an amount not exceeding altogether five hundred thousand dollars: *provided, always*, that the principal and income thereof shall be appropriated according to the terms of said deed, subject only to the terms of any donation, devise or bequest that may be accepted.

Exemption from taxation.

SECTION 3. The real and personal estate of said corporation shall be exempt from taxation to the same extent that it would be if it were held in the name of, owned by and belonged to, the said Cambridge Social Union.

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

*Approved March 21, 1890.*

**Chap. 114** AN ACT TO AUTHORIZE THE CONGREGATIONAL SOCIETY IN WASHINGTON IN THE COUNTY OF BERKSHIRE TO SELL THE CHURCH BUILDING OF SAID SOCIETY.

*Be it enacted, etc., as follows:*

May sell church building.

SECTION 1. Alanson S. Pomeroy, Edwin H. Eames, Addison K. Beach, and Royal J. Beach, the only surviving members of the Congregational Society in Washington in the county of Berkshire, are hereby authorized to sell the church building of said society and to devote the proceeds to the maintenance of the gospel ministry in that town.

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

*Approved March 21, 1890.*

**Chap. 115** AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF NANTUCKET.

*Be it enacted, etc., as follows:*

Salary established.

SECTION 1. The salary of the judge of probate and insolvency for the county of Nantucket shall be six hundred dollars a year from the first day of January in the year eighteen hundred and ninety.

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

*Approved March 24, 1890.*



AN ACT TO CHANGE THE NAME OF THE CHELSEA DAY NURSERY AND CHILDREN'S HOME. *Chap.116*

*Be it enacted, etc., as follows :*

SECTION 1. The corporation organized under the general laws of this Commonwealth on the twenty-sixth day of March, eighteen hundred and eighty-eight, as the Chelsea Day Nursery and Children's Home, shall hereafter be known as the Chelsea Day Nursery, Children's Home and General Hospital; and all its corporate rights and property, and all gifts, devises, bequests and conveyances to it by either name, which have been or hereafter may be made, shall vest in said Chelsea Day Nursery, Children's Home and General Hospital.

Name changed to the Chelsea Day Nursery, Children's Home and General Hospital.

SECTION 2. In addition to the corporate rights and privileges contained in its charter, said corporation is hereby authorized to establish and maintain in the city of Chelsea a general hospital in connection with the work in which it is now engaged.

May establish and maintain a general hospital.

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

*Approved March 24, 1890.*

AN ACT CONCERNING THE ASSOCIATION FOR THE PROTECTION OF DESTITUTE ROMAN CATHOLIC CHILDREN IN BOSTON. *Chap.117*

*Be it enacted, etc., as follows :*

The corporation established under chapter thirty-two of the General Statutes, by the name of the Association for the Protection of Destitute Roman Catholic Children in Boston, may be appointed guardian of any minor child in its care, with the same powers and duties as are prescribed for guardians of minor children by chapter one hundred and thirty-nine of the Public Statutes.

May be appointed guardian of any minor child in its care.

*Approved March 24, 1890.*

AN ACT TO AMEND AN ACT RELATIVE TO THE PASSAGE OF VESSELS THROUGH THE DRAWS OF CERTAIN BRIDGES OVER CHARLES RIVER. *Chap.118*

*Be it enacted, etc., as follows :*

SECTION 1. Section three of chapter two hundred and forty-six of the acts of the year eighteen hundred and eighty-nine is hereby amended so as to read as follows: — *Section 3.* Any vessel detained in her passage through said draws, or any of them, for a longer time

Passage of vessels through the draws of certain bridges over Charles river.

Damages for  
detention.

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 for any barge, sailing vessel or steam cargo carrying vessel 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; and for any tug or towboat so detained, at the rate of six dollars for each hour of such detention: *provided, however*, that in any case 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.

Proviso.

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

*Approved March 24, 1890.*

**Chap.119** AN ACT TO AUTHORIZE CITIES AND TOWNS TO CONTRACT WITH HOSPITALS TO RECEIVE AND TEMPORARILY CARE FOR THE UNFORTUNATE OR SICK.

*Be it enacted, etc., as follows:*

Cities and towns  
may contract  
with hospitals  
for temporary  
care of the sick.

A city or town not maintaining or managing a hospital is hereby authorized to make a contract with any hospital established therein, or in its vicinity, for the reception, care and treatment of persons who by misfortune or poverty require relief during temporary sickness, and may make the necessary appropriations of money therefor. But nothing herein shall add to the compensation now required from the Commonwealth, or from any city or town, for the care and treatment of any person who shall be chargeable as a pauper to the Commonwealth, or to any city or town, or diminish the right of the Commonwealth to require the removal of a pauper dependent upon it for relief to the state almshouse.

*Approved March 24, 1890.*

**Chap.120** AN ACT TO ENABLE THE CITY OF LOWELL, FOR THE PURPOSE OF BUILDING A NEW CITY HALL AND A MEMORIAL BUILDING TO BE USED FOR A CITY LIBRARY, TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW.

*Be it enacted, etc., as follows:*

May incur in-  
debtedness  
beyond the debt  
limit,

SECTION 1. The city of Lowell, for the purpose of building a new city hall and a memorial building to be used for a city library, may incur indebtedness to an

amount not exceeding five hundred thousand dollars beyond and outside the limit of indebtedness fixed by law for said city; and may from time to time issue negotiable notes, bonds or scrip therefor, properly denominated on the face thereof, and signed by its treasurer and countersigned by its mayor, payable in periods not exceeding thirty years from the date of issue, and bearing interest at a rate not exceeding four per centum per annum.

for building a city hall, etc.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes, and of chapter one hundred and twenty-nine of the acts of the year one thousand eight hundred and eighty-four, shall otherwise apply to the issue and sale of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

Bonds, and sinking fund.

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

*Approved March 24, 1890.*

AN ACT TO ENABLE THE CITY OF LOWELL, FOR THE PURPOSE OF PROVIDING A NEW HIGH SCHOOL BUILDING, TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW.

*Chap. 121*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Lowell, for the purpose of purchasing land and erecting a high school building in said city, may incur indebtedness to an amount not exceeding one hundred and fifty thousand dollars beyond the limit of indebtedness fixed by law for said city; and may from time to time issue negotiable notes, bonds or scrip therefor, properly denominated on the face thereof, and signed by its treasurer and countersigned by its mayor, payable in periods not exceeding thirty years from the date of issue, and bearing interest at a rate not exceeding four per centum per annum.

May incur indebtedness beyond the debt limit for erecting a high school building.

SECTION 2. 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 and sale of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

Bonds, and sinking fund.

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

*Approved March 24, 1890.*

*Chap.122* AN ACT TO CREATE AN ART COMMISSION FOR THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Art commission established for the city of Boston.

SECTION 1. An art commission for the city of Boston is hereby established, to consist of the mayor of the city of Boston, the president of the trustees of the Boston public library, the president of the trustees of the museum of fine arts, the president of the Boston society of architects, and the president of the Massachusetts institute of technology, each of whom shall be ex-officio a member of the commission. The commission is to serve without pay.

Erection of statues, monuments, etc., subject to approval of commission.

SECTION 2. No statue, fountain, ornamental arch or gateway, monument or memorial of any kind shall be erected in any public street, avenue, square, place, common, park or municipal building, in the city of Boston, unless the design and site for the same shall have been approved in writing by a majority of said commission and their report shall have been made to the city council. Said report shall be made within thirty days from the time when the design and site as above specified shall have been submitted to the commission for their approval.

Commission to give advice, upon request of mayor, etc.

SECTION 3. The commission shall, at the request of the mayor, aldermen or common council, give its advice as to the suitability of the design for any public building, bridge or other structure, and shall report thereon in writing to the city council.

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

*Approved March 24, 1890.*

*Chap.123* AN ACT TO CHANGE THE NAME OF THE NEW ENGLAND INDUSTRIAL AND TECHNOLOGICAL SCHOOL.

*Be it enacted, etc., as follows:*

Name changed to Christian Industrial and Technical School.

SECTION 1. The name of the New England Industrial and Technological School, in Springfield, organized February twenty-third, eighteen hundred and eighty-seven, under the general laws of the Commonwealth, is hereby changed to the Christian Industrial and Technical School.

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

*Approved March 27, 1890.*

AN ACT PROVIDING FOR THE PURCHASE OR TAKING OF LAND BY CITIES AND TOWNS FOR THE PURIFICATION AND DISPOSAL OF SEWAGE. *Chap. 124*

*Be it enacted, etc., as follows :*

Section one of chapter fifty of the Public Statutes is hereby amended by adding at the end thereof the words : — P. S. 50, § 1, amended.

Cities and towns may with the approval of the state board of health, obtained after a public hearing by said board of all parties interested, purchase or take land within their respective limits for the purification and disposal of sewage. Said board shall give notice of such hearings by publication in such newspapers and at such times as it may deem proper, — so that said section as amended shall read as follows : —

*Section 1.* The mayor and aldermen of a city, and the selectmen or road commissioners of a town, may lay, make, and maintain all such main drains or common sewers, as they adjudge to be necessary for the public convenience or the public health, through the lands of any persons or corporations, and may repair the same whenever it is necessary ; main drains and common sewers so laid shall be the property of the city or town.

May lay main drains through lands of persons or corporations.

Cities and towns may with the approval of the state board of health, obtained after a public hearing by said board of all parties interested, purchase or take land within their respective limits for the purification and disposal of sewage. Said board shall give notice of such hearings by publication in such newspapers and at such times as it may deem proper.

May take land, with approval of state board of health, for sewage disposal, etc.

*Approved March 27, 1890.*

AN ACT TO INCORPORATE THE MILFORD CREAMERY COMPANY.

*Chap. 125*

*Be it enacted, etc., as follows :*

SECTION 1. Chester L. Clark, Joseph H. Wood, William B. Hale, Henry E. Morgan, Perley P. Field, Thomas H. Mann, George D. Wellington, their associates and successors, are hereby made a corporation by the name of the Milford Creamery Company, for the purpose of buying and selling milk and its products in Milford and elsewhere ; and for this purpose 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

Milford Creamery Company, incorporated.

such corporations, except as herein otherwise expressly provided.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be five thousand dollars, divided into shares of twenty-five dollars each: *provided, however*, that said corporation shall not go into operation until two thousand dollars of its capital stock has been paid in.

Shares for sale to be first offered to the stockholders through the treasurer.

SECTION 3. No share of stock of said corporation shall be sold by the owner thereof without first offering the same to the stockholders, through its treasurer, who shall fix the value thereof and who shall notify the stockholders that said stock is for sale; and if not purchased by any stockholders within fifteen days after it shall have been offered, the same may then be sold by the owner in open market or otherwise.

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

*Approved March 28, 1890.*

**Chap.126** AN ACT RELATING TO THE PUBLICATION OF THE ANNUAL REPORT OF THE BOARD OF COMMISSIONERS OF SAVINGS BANKS.

*Be it enacted, etc., as follows:*

Annual report may be published in two volumes.

SECTION 1. The annual report of the board of commissioners of savings banks, required to be made to the general court, may hereafter be published in two volumes: that portion relating to savings banks, institutions for savings, safe deposit, and loan and trust companies to constitute one volume, designated as Part I., of which twenty-five hundred copies shall be printed; and that portion relating to co-operative banks and loan companies to constitute another volume, designated as Part II., of which fifteen hundred copies shall be printed; the two parts to remain as number eight in the series of public documents.

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 March 28, 1890.*

**Chap.127** AN ACT TO AUTHORIZE APPEALS FROM ASSESSORS OF TAXES TO THE SUPERIOR COURT.

*Be it enacted, etc., as follows:*

Appeals authorized from assessors of taxes to the superior court.

SECTION 1. Any person entitled to make a complaint to the county commissioners, or to any board exercising any of the powers of county commissioners, for an abate-

ment of his taxes may, if he so elect, appeal under the same terms and conditions from the decision of the assessors to the superior court for the county in which the city or town, in which the property of such person is assessed, is situated.

SECTION 2. Such appeal shall be entered in the office of the clerk of said court at the return day first occurring not less than thirty days after the assessors have given to the appellant notice in writing of their decision upon his application for such abatement, and shall be tried, heard and determined by the court without a jury in the manner and with the rights provided by law in other civil cases so heard.

To be tried without a jury.

SECTION 3. If upon such trial it appears that the appellant has complied with all the provisions of law, and has paid the taxes for which he has been assessed, he may be granted such abatement as said court may deem reasonable, under the same circumstances as an abatement may now be granted in like cases by the county commissioners, and judgment for the amount thereof shall be rendered against such city or town; and the court may make such order relating to the payment of costs as justice may seem to require; but no costs shall be allowed to an appellant who has failed to file a list of his estate as required by law; if no abatement is granted judgment shall be rendered in favor of the city or town for its expenses and costs, to be taxed by the court.

Abatement.

Payment of costs.

SECTION 4. Such appeal shall be tried at the first trial term of said court for civil cases, unless delay shall be granted at the request of such city or town for good cause; and said court, and the supreme judicial court upon any appeal from any decision in any such case, shall, if requested by such city or town, advance the case upon the docket so that it may be tried and decided with as little delay as possible. Either party may file exceptions to the decisions and rulings of the court upon matters of law arising upon the trial, in the same manner and with the same effect as is allowed in the superior court in the trial of cases without a jury.

To be tried and determined with as little delay as possible.

SECTION 5. The court may in its discretion appoint a commissioner to hear the parties and to report to the court the facts, or the facts with the evidence. Such report shall be prima facie evidence of the facts thereby found. The fees of the commissioner shall be paid in

Commissioner may be appointed to report the facts to the court.

the same manner as those of auditors appointed by the court.

Notice of decision by assessors to be given in writing, upon application.

SECTION 6. The assessors shall give to any person applying to them for an abatement of taxes notice in writing of their decision upon such application within ten days after they take final action thereon.

Tax commissioner may order a corporation to prosecute an appeal.

SECTION 7. The tax commissioner of the Commonwealth may at his election order a corporation to prosecute an appeal from the valuation fixed upon its real estate and machinery by the assessors of a city or town, either to the county commissioners, as now provided by law, or to the superior court. In case of an appeal to the superior court, under the provisions of this section, said court may make such order as to costs as justice may seem to require.

Order as to costs.

*Approved March 28, 1890.*

### Chap. 128 AN ACT RELATING TO THE PROCEDURE IN POOR DEBTOR MATTERS.

*Be it enacted, etc., as follows:*

P. S. 162 § 20.  
1889, 415 § 3.  
amended.

SECTION 1. Section twenty of chapter one hundred and sixty-two of the Public Statutes, as amended by section three of chapter four hundred and fifteen of the acts of the year eighteen hundred and eighty-nine, is hereby further amended by adding at the end thereof the following words: — If at the examination it appears that, after the service of the notice and pending the proceedings thereon, the debtor has made a payment of money or a conveyance, assignment or transfer of any property of his not exempt from being taken on execution, with intent to prevent the same from being transferred or paid to the creditor, or applied by the force of the said proceedings to the satisfaction of the execution, such transfer, assignment, conveyance or payment shall be deemed to be made in contempt of the court or magistrate, and the debtor shall be liable, in the discretion of the court or magistrate, to be committed as for a contempt; and, when the court or magistrate makes a certificate therefor, shall be conveyed to jail and there kept until discharged by said court or magistrate, or otherwise according to law; but payment of debts for necessaries for support of himself and family, debts due on executions upon which he has already been cited to appear for examination under the provisions of this chapter or any act amendatory thereof or supplementary thereto, and a reasonable sum for counsel fees,

Procedure in poor debtor matters.



shall not be deemed within the prohibition of this section, — so as to read as follows: — *Section 20.* If the judgment debtor appears before the magistrate at the time and place fixed, he shall be examined on oath touching his estate and effects and the disposal thereof. Such examination may be in the presence of the magistrate, or otherwise as he shall direct, and when completed, if in writing, shall be signed and sworn to by the debtor, and shall be preserved by the magistrate. The magistrate shall also hear any legal and pertinent evidence which either party may offer. The examination and hearing shall be oral, unless the parties, or one of them, requests that the same may be wholly or in part in writing. 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. If at the examination it appears that, after the service of the notice and pending the proceedings thereon, the debtor has made a payment of money or a conveyance, assignment or transfer of any property of his not exempt from being taken on execution, with intent to prevent the same from being transferred or paid to the creditor, or applied by the force of the said proceedings to the satisfaction of the execution, such transfer, assignment, conveyance or payment shall be deemed to be made in contempt of the court or magistrate, and the debtor shall be liable, in the discretion of the court or magistrate, to be committed as for a contempt; and, when the court or magistrate

Procedure in  
poor debtor  
matters.

makes a certificate therefor, shall be conveyed to jail and there kept until discharged by said court or magistrate, or otherwise according to law; but payment of debts for necessities for support of himself and family, debts due on executions upon which he has already been cited to appear for examination under the provisions of this chapter or any act amendatory thereof or supplementary thereto, and a reasonable sum for counsel fees, shall not be deemed within the prohibition of this section.

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 March 28, 1890.*

**Chap.129** AN ACT TO PREVENT INJURY TO FISH IN BROOKS AND STREAMS  
BY SAWDUST.

*Be it enacted, etc., as follows:*

Discharge of sawdust, from saw-mills, into brooks, etc., may be regulated by commissioners on inland fisheries.

SECTION 1. When the board of commissioners on inland fisheries and game shall decide that the fish of any brook or stream in this Commonwealth are of sufficient value to warrant the prohibition or regulation of the discharge of sawdust from saw-mills into such brook or stream, and that the discharge thereof from any particular saw-mill materially injures such fish, they shall, by written order to the owner or tenant of such saw-mill, prohibit or regulate the discharge of sawdust from such mill into such brook or stream. Such order may be revoked or modified by the board of commissioners on inland fisheries and game at any time.

Penalty.

SECTION 2. Any person so notified who shall discharge, or suffer or permit to be discharged from such saw-mill while under his control, any sawdust into any brook or stream contrary to the order of the board of commissioners on inland fisheries and game, shall be punished by a fine not exceeding twenty-five dollars.

*Approved March 28, 1890.*

**Chap.130** AN ACT TO AUTHORIZE THE TOWN OF HUDSON TO MAKE AN  
ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

May make an additional water loan.

SECTION 1. The town of Hudson, for the purposes mentioned in section five of chapter one hundred and forty-nine of the acts of the year eighteen hundred and eighty-

three, is hereby authorized to issue notes, bonds or scrip, to be denominated on the face thereof Hudson Water Loan, to an amount not exceeding twenty-five thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said notes, bonds or scrip, except as provided in section two of this act, 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 Hudson 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 exceed the amount of one hundred and twenty-five thousand dollars.

Whole amount  
not to exceed  
\$125,000.

SECTION 2. The said town, instead of establishing a sinking fund as required by said act, is authorized at the time of contracting the loan authorized by this act to provide by vote for the payment thereof in such annual proportionate payments as will extinguish the same within thirty years from the date of contracting the loan hereby authorized; 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: *provided, however*, that the income from said water supply shall be applied annually in payment of maturing loans, and any deficiency shall only be raised by assessment as aforesaid.

May provide  
for payment of  
loan in annual  
proportionate  
payments.

Proviso.

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

*Approved March 28, 1890.*

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE FIRST  
DISTRICT COURT OF SOUTHERN WORCESTER.

*Chap. 131*

*Be it enacted, etc., as follows:*

SECTION 1. The salary of the justice of the first district court of southern Worcester shall be fifteen hundred dollars a year from the first day of January in the year eighteen hundred and ninety.

Salary of  
justice.

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

*Approved March 28, 1890.*

*Chap.132* AN ACT TO PROVIDE FOR CONNECTING BUILDINGS WITH PUBLIC SEWERS.

*Be it enacted, etc., as follows :*

Buildings on street, etc., containing a public sewer to be connected therewith.

SECTION 1. Every building situated on a public or private street, court or passageway, in which there is a public sewer, shall, when required by the board of health of the city or town in which it stands, be connected by a good and sufficient particular drain with such public sewer.

Penalty for non-compliance.

SECTION 2. Any person owning, leasing or maintaining any building not connected with a public sewer as provided in the preceding section shall be punished by a fine not exceeding two hundred dollars.

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

*Approved March 28, 1890.*

*Chap.133* AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE.

*Be it enacted, etc., as follows :*

Salaries established.

SECTION 1. The salaries of the county commissioners of the county of Berkshire shall be twenty-one hundred dollars per annum, beginning with the first day of January in the year eighteen hundred and ninety.

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

*Approved March 28, 1890.*

*Chap.134* AN ACT TO AUTHORIZE THE CITY OF HOLYOKE TO ISSUE NOTES, BONDS OR SCRIP FOR THE PURPOSE OF REFUNDING CERTAIN BONDS, AND TO SELL CERTAIN RAILROAD STOCK NOW OWNED BY IT, THE PROCEEDS OF WHICH ARE TO PAY SAID NOTES, BONDS OR SCRIP.

*Be it enacted, etc., as follows :*

May issue negotiable notes, etc., for refunding certain bonds.

SECTION 1. The city of Holyoke, for the purpose of refunding certain bonds issued by it under authority of chapter three hundred and seventy-nine of the acts of the year eighteen hundred and sixty-nine and maturing in the year eighteen hundred and ninety and eighteen hundred and ninety-three, is authorized to issue negotiable notes, bonds or scrip to an amount not exceeding two hundred and twenty-six thousand five hundred dollars, payable at periods of not more than twenty years from the date of issuing the same.

SECTION 2. Said notes, bonds or scrip issued under authority of this act shall be properly denominated on the face thereof, and signed by the treasurer and countersigned by the mayor of the city of Holyoke, and shall bear interest, payable semi-annually, at a rate not exceeding five per centum per annum; and said city is authorized to sell said notes, bonds or scrip at public or private sale, and with the proceeds thereof may pay said outstanding bonds, or use the said notes, bonds or scrip in payment of such outstanding bonds: *provided*, that said notes, bonds or scrip shall not be sold or used at less than par.

Notes, bonds, etc., to be signed by the treasurer and countersigned by the mayor.

Not to be sold or used at less than par.

SECTION 3. The city of Holyoke is authorized, by vote of its city council, to sell its stock in the Holyoke and Westfield Railroad Company at any time; but the proceeds of such sale or sales shall be used for the payment of the notes, bonds or scrip issued by authority of this act; or, in case of a sale of said stock before the maturity of said notes, bonds or scrip, such proceeds shall be used for establishing a sinking fund, in the manner provided by law for cities and towns, which sinking fund shall be sufficient, with its accumulations, to extinguish said notes, bonds or scrip at maturity.

May sell stock in the Holyoke and Westfield Railroad Company.

Sinking fund.

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

*Approved March 28, 1890.*

AN ACT TO AUTHORIZE THE TOWN OF MARLBOROUGH, FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE, TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW.

*Chap. 135*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Marlborough, for the purpose of constructing and maintaining a system of sewerage and sewage disposal as provided in chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-eight, may incur indebtedness to an amount not exceeding seventy-five thousand dollars beyond the limit of indebtedness fixed by law for said town and in addition to the amount authorized by said chapter. The incurrence of such indebtedness, and all bonds, notes or scrip issued for the same, shall be in accordance with and subject to the provisions of said chapter three hundred and twelve.

May incur indebtedness beyond the debt limit for a sewerage system, etc.

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

*Approved March 28, 1890.*

**Chap.136** AN ACT TO AUTHORIZE THE PERKINS INSTITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Be it enacted, etc., as follows :*

Amendment to  
1829, 113.

SECTION 1. The second section of the act of incorporation of the New England Asylum for the Blind, approved on the second day of March in the year eighteen hundred and twenty-nine, is hereby amended by striking out the concluding words thereof, to wit: — “*provided*, that the income of said corporation, from its real and personal estates together, shall not, at any time, exceed the sum of thirty thousand dollars.”

Amendment to  
1887, 75, § 1.

SECTION 2. The first section of chapter seventy-five of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out the concluding words thereof, to wit: — “to an amount not exceeding two hundred and seventy-five thousand dollars in addition to the amount it is now authorized to hold.”

*Approved March 28, 1890.*

**Chap.137** AN ACT PROVIDING FOR CLERICAL SERVICE IN THE OFFICE OF THE CHIEF OF THE DISTRICT POLICE.

*Be it enacted, etc., as follows :*

Salaries of  
clerks estab-  
lished.

SECTION 1. The chief of the district police may appoint in his office two clerks, the first at a salary of fifteen hundred dollars a year, and the second at a salary of eight hundred dollars a year.

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

*Approved March 28, 1890.*

**Chap.138** AN ACT TO AUTHORIZE THE LENOX WATER COMPANY TO ISSUE ADDITIONAL WATER BONDS.

*Be it enacted, etc., as follows :*

1887, 198, § 2,  
amended.

SECTION 1. Section two of chapter one hundred and ninety-eight of the acts of the year eighteen hundred and eighty-seven is hereby amended so as to read as follows: — *Section 2.* Said corporation may for the purposes aforesaid hold real and personal estate not exceeding in amount sixty-five thousand dollars; and the whole capital stock shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars

Real and per-  
sonal estate;  
capital stock  
and shares.

each; and said corporation may issue bonds bearing May issue bonds. 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 in all not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

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

*Approved March 28, 1890.*

AN ACT TO AUTHORIZE THE CITY OF WALTHAM TO RAISE ADDITIONAL FUNDS FOR WATER WORKS. Chap.139

*Be it enacted, etc., as follows:*

SECTION 1. The city of Waltham is hereby authorized, May raise additional funds for water bonds. for the purposes named in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two, to raise by taxation or by borrowing from time to time an amount not exceeding one hundred thousand dollars in addition to the amount already authorized by law, upon the same terms and conditions and with like powers in all respects as are provided in said act for the raising of money.

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

*Approved March 28, 1890.*

AN ACT TO INCORPORATE THE UNIFORMED SIR KNIGHTS, ORDER SONS OF ST. GEORGE OF WORCESTER, MASSACHUSETTS. Chap.140

*Be it enacted, etc., as follows:*

SECTION 1. H. Robert Surles, John W. Davies, Corporators. Thomas Stansfield, William Turner, J. W. Hills, Chas. C. Cook, John Booth, Geo. J. Cornwell, William Coley, John B. Healey, Edwin Wright, William Mitchell, G. J. Kenworthy, Alfred Mills, and such other persons as may so elect, who are now associated as the Uniformed Sir Knights, Sons of St. George, of Worcester, Massachusetts, or who may be hereafter associated with them, are hereby made a body corporate, to be located at said city of Worcester, and to have the name of Uniformed Sir Knights, Sons of St. George, of Worcester, Massachusetts, Name and purpose. for the purpose of inculcating social, benevolent and fraternal fellowship among the members, and advancing the interests of said order sons of St. George; and as such body corporate shall have the privileges and be sub-

ject to the duties and liabilities set forth in all general laws now or hereafter enacted relating to such corporations.

May make by-laws, rules, etc.

SECTION 2. The said corporation is hereby authorized to make and adopt by-laws, rules and regulations not inconsistent with the laws of the Commonwealth, for the admission, withdrawal, suspension and expulsion of members, and their government, the election of officers, and prescribing their duties, and for the safe keeping of its property; and it may from time to time alter and repeal such by-laws, rules and regulations.

Real and personal property not to exceed \$50,000.

SECTION 3. The said corporation is hereby authorized to hold property, real and personal, to an amount not exceeding fifty thousand dollars.

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

*Approved March 28, 1890.*

*Chap.* 141 AN ACT RELATING TO THE ANNUAL RETURNS OF COUNTY TREASURERS.

*Be it enacted, etc., as follows:*

Returns of receipts and expenditures by county treasurers.

SECTION 1. The particular statement of the receipts and expenditures required to be published annually by county treasurers, under the provisions of section twenty-eight of chapter twenty-three of the Public Statutes, shall contain, in detail, the name of every person who pays money to the treasurer, and of every person to whom money is paid by the treasurer, and the amounts so paid by or to such person, under the appropriate classification, provided that sums less than five dollars may be stated in the aggregate.

To be published and sent to cities and towns.

SECTION 2. The treasurer shall publish, with the statement thus provided, a list of the assets of the county, with the appraised value of the same, which the county commissioners shall prepare and certify to be correct, at the end of each year, including land, buildings, law library, furniture in court houses, jails and other public buildings, together with the debts of the county, and shall furnish and transmit to the clerks of each city and town in the county, for distribution, one copy for every two hundred inhabitants thereof.

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

*Approved March 28, 1890.*



AN ACT TO FURTHER EXTEND THE TIME OF EXEMPTION OF THE CITY OF BROCKTON FROM THE OPERATION OF AN ACT RELATIVE TO THE LIMIT OF THE MUNICIPAL DEBT OF AND THE RATE OF TAXATION IN CITIES. *Chap.142*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Brockton is hereby exempted from the operation of section one of chapter three hundred and twelve of the acts of the year one thousand eight hundred and eighty-five until the first day of January in the year one thousand eight hundred and ninety-three. Limit of debt, and rate of taxation.

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

*Approved March 28, 1890.*

AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF NORFOLK COUNTY. *Chap.143*

*Be it enacted, etc., as follows:*

SECTION 1. The salary of the treasurer of the county of Norfolk shall be fourteen hundred dollars per annum, beginning the first day of March, eighteen hundred and ninety. Salary established.

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

*Approved March 28, 1890.*

AN ACT PROVIDING FOR THE APPOINTMENT OF THE BOARD OF STREET COMMISSIONERS OF THE CITY OF MALDEN, AND DEFINING THEIR POWERS AND DUTIES. *Chap.144*

*Be it enacted, etc., as follows:*

SECTION 1. The mayor and aldermen of the city of Malden shall appoint three persons to be street commissioners, one for three years, one for two years and one for one year, and shall thereafter annually appoint one person for three years. The city council may by ordinance fix the time of said appointment and the time when said term of service shall commence. The commissioners shall hold their office until others shall be chosen and qualified in their stead. Vacancies may be filled by the mayor and aldermen at any time, and removals may be made by them for cause. The persons so appointed shall constitute the board of street commissioners. All of the powers now vested in the city council in respect to the laying out, accepting, widening, altering, locating anew, discontinuing or repairing any highway, town way or Board of street commissioners to be appointed.

Powers and duties.

private way, and all the powers now vested in the mayor and aldermen in respect to establishing, grading and constructing sidewalks, and completing partially constructed sidewalks, and making assessments upon the abutters upon such sidewalks, are hereby conferred upon and shall be exercised by the board of street commissioners; but the board shall not incur or authorize any expenditures without a previous appropriation therefor by the city council. Applications for laying out, accepting, widening, altering, locating anew or discontinuing any highway, town way or private way, and for establishing and constructing sidewalks, may be made, and notice given and proceedings had thereon, in such manner and under such regulations as may be prescribed in the ordinances of said city. The compensation of the street commissioners shall be fixed by the city council.

Compensation.

Repeal.

SECTION 2. Section twenty-one of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty-one and all acts and parts of acts inconsistent with this act are hereby repealed, said repeal to take effect when the provisions of this act, enacted as a substitute for said acts and parts of acts repealed, shall take effect.

To take effect  
first Monday of  
January, 1891.

SECTION 3. This act shall take effect on the first Monday of January in the year eighteen hundred and ninety-one.

*Approved March 28, 1890.*

**Chap. 145** AN ACT TO INCORPORATE THE FIRST UNITARIAN SOCIETY OF HUDSON.

*Be it enacted, etc., as follows :*

First Unitarian  
Society of Hud-  
son incorpo-  
rated.

SECTION 1. The members of the religious society, as now constituted in the town of Hudson and heretofore known as Union Society, are hereby made a body corporate, with all the rights, powers and privileges and subject to all the liabilities of a corporation for religious purposes under the laws of this Commonwealth, and shall hereafter be known by the following name, to wit:—  
The First Unitarian Society of Hudson.

Property of the  
Union Society  
vested in cor-  
poration.

SECTION 2. All the property real and personal, whether situated in the town of Hudson or elsewhere, now belonging to said Union Society, and all rights to property hereafter acquired in the name of Union Society, shall vest in and become the property of the corporation hereby established, with full power to recover the same

in the name of said Union Society, but for the use and benefit of the corporation hereby established.

SECTION 3. Said corporation shall have power to assess upon the pews in its meeting-house, according to a valuation thereof to be first made and recorded by the clerk of the corporation, such sums of money or a part thereof as may be from time to time voted to be raised for the support of public worship and for other parochial purposes; and all such assessments may be collected as provided by law.

Assessment upon pews for support of public worship.

SECTION 4. The by-laws of Union Society in so far as they are applicable are hereby made the by-laws of this corporation, with the right to change and alter the same as therein provided. The officers of said Union Society shall be the officers of this corporation until the next annual election. All the previous acts and doings of said Union Society and the records thereof are hereby ratified and confirmed.

Officers and by-laws.

SECTION 5. Said corporation is hereby authorized to hold real and personal property to an amount not exceeding sixty thousand dollars in value, the income of which shall be applied to parochial purposes; and in addition thereto said corporation is hereby authorized to take and hold whatever real and personal estate may come to its possession by gift, devise or bequest, and to administer the same according to the terms and conditions of the donation or charity, for parochial purposes: *provided, however,* that none of the property held by said corporation shall be exempt from taxation except the church edifice and the lot of land on which it stands.

Real and personal estate not to exceed \$60,000.

Proviso.

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

*Approved March 28, 1890.*

AN ACT TO CHANGE THE METHOD OF ELECTING THE BOARD OF ALDERMEN OF THE CITY OF MALDEN.

Chap. 146

*Be it enacted, etc., as follows:*

SECTION 1. Section eight of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty-one is hereby amended so as to read as follows: — *Section 8.* One alderman shall be chosen from the qualified voters of each ward by the qualified voters of the city at large voting in their respective wards or precincts. Each alderman shall be a resident of the ward from which he is chosen. Three common councilmen

1881, 169, §8, amended.

Election of aldermen and common councilmen.

shall be chosen from and by the qualified voters of each ward of the city, and shall be residents of the wards from which they are chosen. The said aldermen and common councilmen shall hold their offices for one year from the first Monday of January following their election and until a majority of the new boards shall be elected and qualified.

Term of office.

Subject to acceptance by the voters.

SECTION 2. This act shall be submitted to the qualified voters of the city of Malden 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 ninety, entitled 'An Act to change the method of electing the board of aldermen of the city of Malden', 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.

When to take effect.

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.

*Approved March 28, 1890.*

**Chap. 147** AN ACT TO INCORPORATE THE ANDOVER HOME FOR AGED PEOPLE.  
*Be it enacted, etc., as follows:*

Andover Home for Aged People incorporated.

SECTION 1. Emma M. E. Sanborn, Annie S. Downs, Susanna E. Jackson, C. F. P. Bancroft, Edwards A. Park, John W. Churchill, Abbie J. Smith, Lizzie A. Wilson, Frances A. Flint, Phebe A. Chandler, Mary A. Ballard, Mary A. Roberts, Susan E. Abbott, Mary A. Johnson, George H. Tarr, James B. Smith and Joseph A. Smart, their associates and successors, are hereby made a corporation by the name of the Andover Home for Aged People, for the purpose of providing a home for and otherwise assisting respectable aged people; with all the powers and privileges and subject to all the duties, liabil-

ities and restrictions set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

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

Real and personal estate not to exceed \$75,000.

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

*Approved March 29, 1890.*

AN ACT TO INCORPORATE THE FRAMINGHAM HOSPITAL.

*Chap. 148*

*Be it enacted, etc., as follows:*

SECTION 1. Walter Adams, John S. Cullen, Daniel T. Bridges, Charles J. McPherson, Franklin E. Gregory, Frederick B. Horne, Clarence T. Boynton, Augustus M. Lang, Bernard F. Merriam, Franklin Manson, Luther F. Fuller, Willis A. Kingsbury, George E. Cutler, Thomas L. Barber, Ora O. Davis, Joshua Smith, Clifford Folger, Joseph B. Johnson, Willard Howe, Thomas C. Porter, Franklin H. Sprague, their associates and successors, are hereby made a corporation by the name of the Framingham Hospital, in the town of Framingham, for the purpose of establishing and maintaining a hospital for the care and treatment of sick and disabled persons; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Framingham Hospital incorporated.

Powers and duties.

SECTION 2. Said corporation is hereby authorized to hold, for the purposes aforesaid, 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 29, 1890.*

AN ACT TO AUTHORIZE THE HOLYOKE AND WESTFIELD RAILROAD COMPANY TO ISSUE BONDS.

*Chap. 149*

*Be it enacted, etc., as follows:*

SECTION 1. The Holyoke and Westfield Railroad Company, for the purpose of paying maturing mortgage bonds, is hereby authorized to issue bonds of said road not exceeding two hundred thousand dollars in amount,

May issue bonds not exceeding \$200,000.

payable at such times as may be designated therein not exceeding twenty years from their respective dates, with interest not exceeding the rate of six per centum per annum, payable semi-annually, and to secure the same by a mortgage to trustees of its railroad equipment and franchise or of any of its property real or personal.

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

*Approved March 29, 1890.*

**Chap.150** AN ACT TO CHANGE THE LOCATION OF THE OLD COLONY RAILROAD OVER LAND OF THE COMMONWEALTH IN THE TOWN OF FRAMINGHAM.

*Be it enacted, etc., as follows :*

May build tracks over land of the Commonwealth in Framingham.

SECTION 1. The Old Colony Railroad Company is hereby authorized to build and maintain tracks over a strip of land thirty feet wide, owned by the Commonwealth, in the town of Framingham, and shown on a plan thereof filed in Middlesex south district registry of deeds on the nineteenth day of February in the year eighteen hundred and ninety.

When to take effect.

SECTION 2. This act shall take effect upon the release by said railroad company to the Commonwealth of the rights reserved to said company in and by the first section of chapter four hundred and sixty-three of the acts of the year eighteen hundred and eighty-nine.

*Approved March 29, 1890.*

**Chap.151** AN ACT TO INCORPORATE THE COTTAGE CITY WATER COMPANY.

*Be it enacted, etc., as follows :*

Cottage City Water Company incorporated.

SECTION 1. Zenas D. Linton, George A. Smith, William Wheeler, Charles F. Parks, Lucius H. Fuller and Elisha Thayer, their associates and successors, are hereby made a corporation by the name of the Cottage City Water Company, for the purpose of supplying the inhabitants of the town of Cottage City, or any part thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporation.

Powers and duties.

May take waters of Beech grove springs, etc.

SECTION 2. The said corporation for the purposes aforesaid may take, by purchase or otherwise, and hold the waters or so much thereof as may be necessary, of

Beech grove springs, so called, or of any springs, streams or wells, or of any filter galleries or wells that may be constructed upon the shore of any pond, or near to any spring or streams in the town of Cottage City or its immediate vicinity; and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the lands thus taken and 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 works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel therein.

May erect buildings and other structures.

May construct and lay down conduits.

May enter upon and dig up lands and ways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Dukes County a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

To record in the registry of deeds a description of the land taken.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the

Assessment for damages.

Application for assessment not to be made until water is actually diverted.

doing of any other injury under the authority of this act; but no such application shall be made after the expiration of three years. No application for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

May regulate use of water, and fix and collect water rates.

SECTION 5. The said corporation may distribute the water through said town of Cottage City or any part thereof, and may regulate the use of said water and fix and collect water rates to be paid for the use of the same. And said town, or any individual or corporation, may make such contracts with said water company to supply water for the extinguishment of fires and for other purposes as may be agreed upon by said town, individual or corporation, and said Cottage City Water Company. And said water company may receive and hold an assignment of any contract already authorized and entered into by said town with any of the incorporators hereunder, for a supply of water for the extinguishment of fire and for other purposes, whereupon such contract shall be of full force and virtue, binding both the said town and water company.

Real estate, capital stock and shares.

SECTION 6. The said corporation may for the purposes set forth in this act hold real estate not exceeding in amount twenty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, and secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Bonds.

Penalty for wilfully corrupting or diverting water.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the jail not exceeding one year.



SECTION 8. The said corporation may by vote from time to time fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

May determine by vote the amount of water proposed to be taken, upon which the damages are based.

SECTION 9. The said town of Cottage City shall have the right at any time during the continuance of the charter hereby granted to purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and said town; and said corporation is authorized to make sale of the same to the said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party and notice to the other; and the award of the commissioners when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Town may purchase franchise and property.

Subject to assent by a two-thirds vote.

SECTION 10. The said town may, for the purposes of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes or scrip shall bear on their face the words Cottage City Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act at not less than the par value thereof upon such terms and conditions as it may deem proper. The said town shall pay the interest upon said loan as it accrues, and shall provide for the payment of said principal at maturity, by

Town may issue bonds, etc.

Cottage City Water Loan.

Sinking fund, etc.

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 thereto annually a sum sufficient with its accumulation 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 purposes. 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 such manner as money is raised for other town expenses.

Returns re-  
quired to state  
amount of  
sinking fund  
established.

SECTION 11. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act; and if no sinking fund is established, said returns shall state whatever action has been taken for the payment of the annual proportion of said bonded debt, as hereinbefore provided, and the amount raised and expended therefor for the current year.

Water commis-  
sioners to be  
elected.

SECTION 12. 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 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. The authority granted to the said town by this act, and not otherwise specially provided for, shall be vested in said water commissioners, who shall be subject however to such restrictions, rules and regulations as said town may impose by its votes. 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 meeting called for the purpose.

To be trustees  
of sinking fund.

Vacancies.

SECTION 13. Chapter two hundred and ninety-seven Repeal. of the acts of the year eighteen hundred and eighty-six is hereby repealed.

SECTION 14. This act shall take effect upon its passage.

*Approved March 31, 1890.*

AN ACT TO AUTHORIZE THE EDISON ELECTRIC ILLUMINATING COMPANY OF NEW BEDFORD TO DISPOSE OF ITS PROPERTY AND FRANCHISES TO THE NEW BEDFORD GAS LIGHT COMPANY.

*Chap. 152*

*Be it enacted, etc., as follows:*

SECTION 1. The Edison Electric Illuminating Company of New Bedford is hereby authorized, upon a vote of its stockholders at a meeting duly called for that purpose, to sell, transfer and convey its property, rights, licenses, privileges and franchises to the New Bedford Gas Light Company, which is hereby authorized to purchase the same; and upon such sale, transfer and conveyance, the said property, rights, licenses, privileges and franchises shall be held and enjoyed by the New Bedford Gas Light Company in as full and ample a manner as the same are now held and enjoyed by the said Edison Electric Illuminating Company.

May sell property, etc., to the New Bedford Gas Light Company.

SECTION 2. The said gas light company is hereby authorized to increase its capital stock to an amount necessary to effect said purchase, but not to exceed fifteen hundred shares of increase, and to issue the shares thereof in payment therefor.

Gas light company may increase capital stock.

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

*Approved April 1, 1890.*

AN ACT TO INCORPORATE THE TRUSTEES OF TABOR ACADEMY IN THE TOWN OF MARION.

*Chap. 153*

*Be it enacted, etc., as follows:*

SECTION 1. Rufus P. Gardner of Marion, John L. Evans of Rochester, Matthew C. Julien and Samuel C. Bushnell of New Bedford, Frank L. Goodspeed of Hingham, all of the Commonwealth of Massachusetts, Albert H. Heath of St. Paul in the State of Minnesota, and Frank H. Kasson of Kawayne in the State of Illinois, being the several persons appointed by the probate court in and for the county of Plymouth in Massachusetts, as the persons designated as trustees by article thirty-sixth of the will of Elizabeth Tabor, late of said Marion, deceased, and their

Trustees of the Tabor Academy in the town of Marion, incorporated.

successors, elected or appointed in accordance with the terms of said article thirty-sixth, are hereby incorporated under the name of The Tabor Academy, for the purpose of conducting and maintaining an institution of learning at Marion lower village in said Marion, in compliance with the provisions of the last will and testament of the said Elizabeth Tabor, with the codicil thereto annexed; which will and codicil were duly proved and allowed by the said probate court on the twelfth day of November, eighteen hundred and eighty-eight, and on appeal, by the supreme judicial court sitting in and for said county of Plymouth on the fifteenth day of May, eighteen hundred and eighty-nine. The said corporation shall have all the powers and privileges requisite for carrying into full effect the provisions of said will and codicil, so far as they appertain to said institution of learning, and to be subject to all the duties, restrictions and liabilities set forth therein, and in the general laws which now or hereafter may be in force in this Commonwealth and applicable to such corporations.

Powers and duties.

May hold estate bequeathed to trustees.

Not to exceed \$500,000.

Trustees may convey estate standing in their names to the corporation.

SECTION 2. Said corporation is authorized to take and hold all and singular the estate, real and personal, devised and bequeathed to said trustees by said will, together with all accumulations of the same, and is also authorized to take and hold any other and further estate, real or personal, which may be acquired by said corporation by purchase or otherwise for the same purposes: *provided, however,* that the actual value of the real and personal estate so held by said corporation shall not exceed the sum of five hundred thousand dollars, all of which property and estate and the income of the same shall be held and appropriated exclusively for the purposes of education in connection with said institution of learning, in the manner and in accordance with all the provisions of the said will and codicil having reference thereto.

SECTION 3. After the organization of the corporation created by this act, the trustees, holding for the time being the appointment of the probate court in and for the said county of Plymouth, are hereby authorized to convey the estate, real and personal, in their possession or standing in their names, to the said corporation; and in so far as the property and estate devised and bequeathed by said will shall not at the time of said conveyance have come into the possession of the said trustees, the executors of

said will are hereby authorized and directed to pay over or convey to said corporation any and all funds and property of the said estate remaining in their hands, which by the provisions of said will were devised and bequeathed to said trustees for the purposes aforesaid; which payment or conveyance shall be considered and held as in full satisfaction of all the devises and bequests of said will in that behalf. And on the allowance of the account of the said trustees, showing the payment and conveyance to said corporation as aforesaid of all the property and estate in their hands and possession belonging to the said trust at the time of such payment and conveyance, they shall be discharged by said probate court.

Discharge of trustees.

SECTION 4. The said corporators, as trustees, shall receive no compensation for their official administration of the trust, and shall have power to fill all vacancies in their number as provided in said will; to make all proper by-laws both for their own government and the orderly transaction of their business; to elect or appoint from time to time all such officers and agents as they shall judge necessary, even though trustees, and to determine the character and tenure and compensation of their offices; and generally to do all acts necessary or proper to be done for the purpose of carrying into full effect the provisions of this act.

To receive no compensation as trustees.

SECTION 5. Nothing in this act shall be construed to impair the jurisdiction of the supreme judicial court over the subject matter of the trust created by said will and codicil; but said corporation shall, in the execution of the purposes for which it is created, be held to have the same powers and be subject to the same limitations in respect thereof as are applicable to said trustees by the provisions of said will and codicil.

Jurisdiction of the supreme judicial court.

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

*Approved April 1, 1890.*

AN ACT TO AMEND AN ACT RELATING TO PRACTICE IN THE SUPERIOR COURT.

Chap. 154

*Be it enacted, etc., as follows:*

Section one of chapter three hundred and four of the acts of the year eighteen hundred and eighty-four is hereby amended by adding at the end of said section the following words:—*provided, also*, that instead of postponing a case, as herein provided, the parties to an action

1884, 204, § 1, amended.

may, by a writing filed with the clerk or orally in the presence of the clerk, agree that the action be passed; and in such case the action shall be stricken from the list temporarily, and may be restored thereto on such day as the parties shall, by a writing filed with the clerk, agree, or by either party on three days' notice in writing to the opposite party, — so that said section as amended shall read as follows:— *Section 1.* Whenever in an action upon the trial list for any term of the superior court the parties thereto file an agreement in writing that such action shall be marked for trial not before a certain day in the same or the succeeding term, such action shall, if reached in its order upon said trial list before such day, be postponed thereto in accordance with such agreement, and shall be placed upon the list of actions in order for trial on such day next after the cases, if any, which have been on the list for the preceding court day: *provided*, that if such action is in order for trial on the day on which such agreement is filed, it shall not, if reached on that day, be so postponed except by order of the court: *provided, also*, that instead of postponing a case, as herein provided, the parties to an action may, by a writing filed with the clerk or orally in the presence of the clerk, agree that the action be passed; and in such case the action shall be stricken from the list temporarily, and may be restored thereto on such day as the parties shall, by a writing filed with the clerk, agree, or by either party on three days' notice in writing to the opposite party.

*Approved April 1, 1890.*

**Chap.155** AN ACT TO AUTHORIZE THE TOWN OF NORTH ATTLEBOROUGH TO CHANGE ITS NAME.

*Be it enacted, etc., as follows:*

May change its name.

SECTION 1. The town of North Attleborough may take the name of Sumner, Wamsutta, Stockton, Dunster, Redrock, Samoset or Burden.

Meeting to vote upon the matter.

SECTION 2. If at a legal meeting of said town held during the month of April of the current year a majority of voters present shall vote to change the present name of said town, then a meeting of the voters of said town shall be held on the second Monday of May of the current year for the purpose of determining which of the said seven names shall be the name of said town. The voting shall be by ballot, the check list shall be used, and each

voter may vote for one of said names only; and any ballot having thereon any other name, or more than one of said names, shall not be counted. The polls shall be opened at nine o'clock in the forenoon of such day, and shall be kept open until two o'clock in the afternoon of such day, and as much longer as a majority of the voters present shall determine.

SECTION 3. If the result of the ballot shows that a majority of the ballots cast has not been in favor of any one name, the polls shall be immediately re-opened and a second ballot shall be taken, in the same manner as provided in the second section hereof, upon the two names receiving the largest number of votes in the first ballot. No other names shall be counted. If under this act it becomes necessary to take the second ballot, the polls shall be kept open until eight o'clock in the afternoon of such day, and as much longer as a majority of the voters present shall determine.

If majority is not in favor of any one name, another ballot to be immediately taken.

SECTION 4. It shall be the duty of the selectmen of said town to certify and return as soon as may be the number of ballots in favor of each of said seven names under the first ballot, if only one ballot is necessary to be taken, or each of said two names if the second is taken, to the secretary of the Commonwealth, who shall thereupon immediately issue and publish his certificate declaring the name which shall be found to have the most ballots in its favor to have been adopted by said town, and the same shall thereupon become and be the name of said town.

A plurality vote to govern, upon the second ballot.

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

*Approved April 1, 1890.*

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

*Chap. 156*

*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 printing extra copies of the report of the commissioners on inland fisheries and game, a sum not exceeding

Commissioners on inland fisheries and game.

fifty dollars, as authorized by chapter three of the resolves of the present year.

Reprinting documents destroyed by fire.

For re-printing certain public documents destroyed by fire, a sum not exceeding ten thousand five hundred dollars, as authorized by chapter four of the resolves of the present year.

Patrick Buckley.

For Patrick Buckley, the sum of one hundred and twenty-five dollars, as authorized by chapter five of the resolves of the present year.

Records of parishes, etc.

For printing extra copies of the report of the commissioner on public records of parishes, towns and counties, a sum not exceeding forty dollars, as authorized by chapter six of the resolves of the present year.

Estate of J. L. D. Bowerman.

For the administratrix of the estate of Joshua L. D. Bowerman, the sum of seven hundred and eighty-one dollars, as authorized by chapter seven of the resolves of the present year.

Sewer assessments in Worcester.

For the payment of sewer assessments on property of the Commonwealth in the city of Worcester, the sum of six hundred and twenty-one dollars and forty-two cents, as authorized by chapter eight of the resolves of the present year.

Controller of county accounts.

For printing extra copies of the second annual report of the controller of county accounts, a sum not exceeding one hundred and two dollars, as authorized by chapter thirteen of the resolves of the present year.

Soldiers' home.

For the trustees of the soldiers' home in Massachusetts, the sum of twenty-five thousand dollars, as authorized by chapter fourteen of the resolves of the present year.

Topographical survey.

For printing extra copies of the report of the commissioners on the topographical survey of Massachusetts, a sum not exceeding ten dollars, as authorized by chapter sixteen of the resolves of the present year.

Samuel T. Crosby.

For Samuel T. Crosby, a sum not exceeding three hundred dollars, as authorized by chapter nineteen 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 of the resolves of the present year.

Foreign mortgage corporations.

For printing fifteen hundred copies of the report of the commissioner of foreign mortgage corporations, a sum not exceeding two 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.

For the salary and expenses of the fire marshal of the city of Boston, the sum of ten thousand five hundred and seventy-six dollars and eighty-eight cents, as provided for in chapter three hundred and fifty-four of the acts of the year eighteen hundred and eighty-six, which amount is payable to the treasurer of the city of Boston.

Fire marshal of Boston.

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

*Approved April 2, 1890.*

AN ACT MAKING AN APPROPRIATION FOR THE EXTERMINATION OF THE INSECT KNOWN AS THE OCNERIA DISPAR OR GYPSY MOTH.

Chap.157

*Be it enacted, etc., as follows :*

SECTION 1. A sum not exceeding twenty-five thousand dollars is hereby appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of meeting expenses authorized by chapter ninety-five of the acts of the present year providing against depredations by the insect known as the ocnaria dispar or gypsy moth.

Appropriation for extermination of the gypsy moth.

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

*Approved April 2, 1890.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO CAUSE TO BE MADE COPIES OF CERTAIN RECORDS AND PLANS IN THE REGISTRY OF DEEDS FOR THE NORTHERN DISTRICT OF SAID COUNTY.

Chap.158

*Be it enacted, etc., as follows :*

SECTION 1. The county commissioners of Bristol county are hereby authorized and required to have made under their direction, within three years from the passage of this act, copies of all records and parts of records and plans recorded and deposited in the registry of deeds for the northern district of said county prior to the first day of July, eighteen hundred and thirty-seven, relating to titles of land in the southern district of said county, and suitable indexes thereof, at an expense not exceeding ten thousand dollars; and such copies and indexes so made shall be deposited in the registry of deeds for said southern district, to be there kept by the register of deeds of said district as other books of record are kept by him.

Copies to be made of records, etc., in the registry of deeds for the northern district, and to be deposited in the registry for southern district.

SECTION 2. The persons employed to make such copies shall be sworn to the faithful discharge of their duties;

Copypists to be sworn.

Examiners to certify copies.

and the county commissioners shall designate therefrom competent persons to be called examiners, any one of whom shall certify said copies made as aforesaid. The compensation of all of said persons shall be fixed by said commissioners and shall be paid out of the county treasury.

Compensation.

Copies from copies to be admitted in evidence.

SECTION 3. Copies from the copies made, certified and deposited, as herein before provided, shall, when duly certified by said register of deeds, be admitted in evidence in the same manner as other copies from said registry of deeds for said southern district are admitted.

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

*Approved April 2, 1890.*

**Chap.159** AN ACT RELATING TO THE SURVEY AND SALE OF LUMBER, ORNAMENTAL WOOD AND SHIP TIMBER.

*Be it enacted, etc., as follows:*

Amendment to P. S. 63, § 1.

SECTION 1. Section one of chapter sixty-three of the Public Statutes is hereby amended by striking out the word "and", in the third line thereof; by inserting after the word "Somerville", in the fourth line thereof, the words:—and Quincy,—and by inserting after the word "Brookline", in the fourth line thereof, the word:—and,—and by striking out the words "and Quincy", in the fourth and fifth lines, so that said section as amended shall read as follows:—*Section 1.* There shall be a surveyor-general of lumber, appointed by the governor with the advice and consent of the council, for a district to consist of the county of Suffolk, the cities of Cambridge, Somerville, and Quincy, and the towns of Medford, Brookline, and Watertown. The said surveyor-general shall reside in said district, shall keep an office in Boston conveniently located and accessible to the public, shall be sworn, and shall give bond with sufficient sureties to the treasurer of the Commonwealth in the sum of two thousand dollars for the faithful discharge of his duty, and, unless sooner removed, shall hold his office for three years and until a successor is appointed and qualified.

Surveyor-general of lumber.

Amendment to P. S. 63, § 2.

SECTION 2. Section two of said chapter sixty-three is hereby amended by inserting after the word "of", in the third line, the words:—the counties within which the cities and towns comprising,—and after the word "district", the words:—are situated,—and by striking out the words "be a dealer in lumber of the kind he is

appointed to survey, nor shall he", in the eighth and ninth lines thereof, and by adding at the end of said section two the following:— The deputy-surveyors shall be governed by the provisions of this chapter, under the instructions of the surveyor-general, in determining the quality and quantity of all lumber surveyed by them; ascertain the true contents of each piece of lumber, log or stick, and mark the same or its equivalent in a legible character thereon; keep a true piece tally of the same in a plain and legible account, and make return thereof to the surveyor-general upon a form prescribed by him. Each deputy-surveyor shall keep on file for reference and examination all tallies made by him, for the period of one year from the date of making the same, — so that said section as amended shall read as follows:— *Section 2.* He shall appoint a sufficient number of competent and discreet deputy-surveyors, removable at his pleasure, and for whom he shall be responsible; they shall be citizens of the counties within which the cities and towns comprising said district are situated, and shall be sworn and give bond to him for the faithful discharge of their duties. He shall appoint one or more of them to survey oak and other wood commonly used in ship-building, and one or more to survey mahogany, cedar, and other ornamental wood and lumber. No surveyor-general or deputy shall survey any lumber in which he has a pecuniary interest, directly or indirectly, nor for any person or persons by whom he is employed on a salary or for a per diem allowance. The deputy-surveyors shall be governed by the provisions of this chapter, under the instructions of the surveyor-general, in determining the quality and quantity of all lumber surveyed by them; ascertain the true contents of each piece of lumber, log or stick, and mark the same or its equivalent in a legible character thereon; keep a true piece tally of the same in a plain and legible account, and make return thereof to the surveyor-general upon a form prescribed by him. Each deputy-surveyor shall keep on file for reference and examination all tallies made by him, for the period of one year from the date of making the same.

Deputy-surveyors.

SECTION 3. Section three of said chapter sixty-three is hereby amended by striking out the words "he shall, by himself or his deputies, survey and measure all lumber brought into the said district for sale, when a request

Amendment to P. S. 63, § 3.

therefor is made by either the purchaser or the seller”, and insert in the place thereof the following: — All lumber brought into said district for sale, a survey or measurement of which is required by either seller or purchaser, shall be surveyed or measured by him or his deputies, — so that said section as amended shall read as follows: —

Applications for surveys to be made to surveyor-general.

*Section 3.* All applications for surveys shall be made to the surveyor-general, and all surveys made by his deputies and the order of their services, in rotation or otherwise, shall be under his direction. All lumber brought into said district for sale, a survey or measurement of which is required by either seller or purchaser; shall be surveyed or measured by him or his deputies; and he shall enforce all the provisions of this chapter.

Amendment to P. S. 63, § 4.

*SECTION 4.* Section four of said chapter sixty-three is amended by striking out the words “three months”, in the third line, and inserting in place thereof the words: — each month, — and by adding thereto the following: — Grades of lumber recognized in trade and not defined in this chapter may, when application therefor is presented in writing to the surveyor-general, be established and defined by him, and the fees for the survey thereof shall be the same as those for surveying lumber of grades similar thereto, — so that said section as amended shall read as follows: —

Record to be kept.

*Section 4.* He shall keep a record of all lumber surveyed by himself or his deputies and of the amount of fees received by each deputy, and as often as once in each month he shall be entitled to ten per cent. of such fees. Such record shall be at all times open to inspection by the members of the city councils and by the selectmen of the several cities and towns in said district. Grades of lumber recognized in trade and not defined in this chapter may, when application therefor is presented in writing to the surveyor-general, be established and defined by him, and the fees for the survey thereof shall be the same as those for surveying lumber of grades similar thereto.

Amendment to P. S. 63, § 5.

*SECTION 5.* Section five of said chapter sixty-three is hereby amended by striking out the word “October”, in the first and second lines thereof, and inserting in place thereof the word: — January, — and by striking out the words “the amount and”, in the third line, and by striking out the word “qualities”, in said third line, and inserting in place thereof the word: — quantities, — and

by striking out the word “thirtieth”, in the fourth line thereof, and inserting in place thereof the words:— thirty-first, — so that said section as amended shall read as follows:— *Section 5.* He shall annually on or before the fifteenth day of January make to the secretary of the Commonwealth a return, specifying the various kinds and quantities of lumber surveyed in said district during the year ending on the thirty-first day of the preceding month, the person by whom it was surveyed, and the amount of fees received by him and his deputies.

Annual return  
to the secretary  
of the Common-  
wealth.

SECTION 6. Section sixteen of said chapter sixty-three is hereby amended by striking out the last paragraph commencing with the words “If the surveyor-general”, in the sixteenth line, and inserting in place thereof the following:— If the surveyor-general receives in fees in any year more than twenty-five hundred dollars and his necessary expenses for office rent, the heating and lighting thereof, clerical assistance, telephone service, postage, stationery, and transportation in the discharge of his duties, he shall pay the excess over said sum and expenses into the treasury of the Commonwealth, — so that said section sixteen as amended shall read as follows:— *Section 16.*

Amendment to  
P. S. 63, § 16.

The fees for surveying and marking shall be paid by the purchaser, as follows: for white, southern, and Norway pine, spruce, hemlock, juniper, and whitewood boards, planks, joists, sawed timber, and dimensions, thirty cents for every thousand feet, board measure; for southern pine flooring boards, thirty-four cents for every thousand feet, board measure; for all kinds of pine, spruce, hemlock, and juniper timber, twelve cents for every ton; for oak and other hard wood, twenty-four cents for every ton; for knees commonly used in ship-building, three cents for every knee; for ash, maple, and other hard wood, and for ornamental boards, planks, and joists, forty cents for every thousand feet, board measure; for Cuba, Saint Domingo, and other branch or hard mahogany, one dollar for every thousand feet, board measure; and for mahogany from the bay of Honduras and for cedar, seventy-five cents for every thousand feet, board measure. One-half of the fees paid by the purchaser as aforesaid shall be allowed and paid to him by the seller. If the surveyor-general receives in fees in any year more than twenty-five hundred dollars and his necessary expenses for office rent, the heating and lighting thereof, clerical assistance, telephone

Fees.

service, postage, stationery, and transportation in the discharge of his duties, he shall pay the excess over said sum and expenses into the treasury of the Commonwealth.

Penalty for performing duties of surveyor without authority.

SECTION 7. Section nineteen of said chapter sixty-three is amended by striking out the words "presumes to perform", in the first line thereof, and inserting in place thereof the word:— performs,— so that said section as amended shall read as follows:— *Section 19.* Whoever performs without authority any of the duties of a surveyor of lumber shall forfeit not less than fifty nor more than two hundred dollars.

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

*Approved April 2, 1890.*

**Chap. 160** AN ACT RELATIVE TO THE OFFICES OF TAX COMMISSIONER AND COMMISSIONER OF CORPORATIONS AND TO ABOLISH THE OFFICE OF DEPUTY TAX COMMISSIONER.

*Be it enacted, etc., as follows:*

Tax commissioner to be appointed, who shall also be commissioner of corporations.

SECTION 1. There shall be a tax commissioner appointed by the governor, with the advice and consent of the council, who shall hold his office for three years from the date of his commission and until his successor is appointed and qualified, unless sooner removed by the governor. Any vacancy in said office, whether occurring by expiration of term or otherwise, shall be filled by the governor, with the advice and consent of the council. The commissioner so appointed shall be commissioner of corporations, and his salary shall be thirty-five hundred dollars a year, and the same shall be in full compensation for the duties of both offices.

Salary.

Treasurer thereupon to cease to be tax commissioner.

SECTION 2. Upon the appointment and qualification of a tax commissioner, as hereinbefore provided, the treasurer and receiver-general shall cease to be tax commissioner; and all the powers and duties by existing laws devolving upon and performed by said treasurer and receiver-general as tax commissioner shall thereafter devolve upon and be performed by the tax commissioner so appointed.

Office of deputy tax commissioner abolished.

SECTION 3. The office of deputy tax commissioner is hereby abolished, and the powers and duties by existing laws devolving upon and performed by the deputy tax commissioner shall hereafter devolve upon and be performed by the tax commissioner; and all duties imposed by existing laws upon the commissioner of corporations

shall devolve upon and be performed by the commissioner of corporations provided for by this act.

SECTION 4. The taxes upon savings banks and institutions for savings, and other taxes which heretofore have been assessed by the treasurer and receiver-general, shall hereafter be assessed by the tax commissioner; and all taxes so assessed and determined shall be certified to the treasurer and receiver-general for collection, as in the case of other taxes assessed by the tax commissioner; and all returns heretofore required to be made to the treasurer and receiver-general relative to such taxes shall hereafter be made to the tax commissioner.

Taxes, etc., to be assessed by the tax commissioner.

Returns to be made to tax commissioner.

SECTION 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; but the repeal by this act of any provisions of law shall not affect any act done, liability incurred, or any right accrued, or any suit or proceeding, civil or criminal, pending or to be instituted, to enforce any right or penalty under the authority of the repealed laws.

Repeal.

SECTION 6. This act shall take effect upon its passage as to the appointment of a tax commissioner, and shall take full effect upon such appointment and qualification.

When to take effect.

*Approved April 2, 1890.*

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AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO RAISE MONEY TO AID IN THE RECEPTION AND ENTERTAINMENT OF THE NATIONAL CONVENTION OF THE GRAND ARMY OF THE REPUBLIC IN AUGUST OF THE CURRENT YEAR.

*Chap.161*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Plymouth is authorized to raise by taxation a sum of money not exceeding one thousand dollars, for the purpose of aiding in the reception and entertainment of the national convention of the grand army of the republic on their proposed visit to Plymouth in August of the current year.

May raise money for entertainment of the grand army of the republic.

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

*Approved April 2, 1890.*

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AN ACT TO AMEND AN ACT TO SUPPLY THE VILLAGE OF FOXBOROUGH WITH PURE WATER.

*Chap.162*

*Be it enacted, etc., as follows:*

SECTION 1. The Foxborough Water Supply District, incorporated under chapter one hundred and ninety-six of the acts of the year one thousand eight hundred and

May issue additional bonds, etc.

seventy-nine, is hereby authorized to increase the amount of bonds, notes or scrip which may be issued under the provisions of section four of said act from fifty to seventy-five thousand dollars.

Issue of bonds to be authorized by a two-thirds vote.

SECTION 2. No bonds shall be issued or liabilities incurred under said chapter one hundred and ninety-six of the acts of the year one thousand eight hundred and seventy-nine, or under this act, unless first authorized by a vote of two-thirds of the legal voters of said district present and voting thereon at a legal meeting called for that purpose.

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

*Approved April 2, 1890.*

*Chap. 163* AN ACT TO AUTHORIZE THE CONSOLIDATION OF THE LOWELL HORSE RAILROAD COMPANY AND THE LOWELL AND DRACUT STREET RAILWAY COMPANY, AND TO CHANGE THE NAME OF THE FORMER CORPORATION.

*Be it enacted, etc., as follows:*

Consolidation of roads authorized.

SECTION 1. For the purpose of consolidation, the Lowell Horse Railroad Company is hereby authorized to purchase and hold all the property, rights and franchises of the Lowell and Dracut Street Railway Company; and the said Lowell and Dracut Street Railway Company may sell, convey and assign all its property, rights and franchises to the said Lowell Horse Railroad Company; but such purchase and sale shall be only upon such terms and conditions as shall be agreed upon in the first instance by the directors, then ratified by stockholders representing two-thirds of the entire stock of the corporations respectively, voting at meetings called for the purpose, and approved by the railroad commissioners. In case of such purchase and sale, the Lowell Horse Railroad Company shall have, hold, possess, exercise and enjoy all the locations, grants, easements, powers, privileges, rights, franchise, property and estate which at the time of such purchase shall be had, held, possessed or enjoyed by the Lowell and Dracut Street Railway Company, and shall be subject to all the then existing duties, restrictions and liabilities of the Lowell and Dracut Street Railway Company and to all general laws then or thereafter in force relating to street railway companies, except as provided in this act.



SECTION 2. When the said corporations shall have voted to consolidate, in the manner hereinbefore provided, and the terms and conditions of such consolidation shall have been approved by the board of railroad commissioners, the name of the Lowell Horse Railroad Company shall be changed to the Lowell and Suburban Street Railway Company; and the said corporation may, for the purpose of carrying out the authority hereby granted, increase its capital stock as provided by the laws of this Commonwealth to such an amount as the board of railroad commissioners may determine to be necessary or expedient to carry into effect the provisions of this act. And the said Lowell and Suburban Street Railway Company shall not be permitted to charge any rate of fare exceeding five cents within the limits of the city of Lowell.

To be known as the Lowell and Suburban Street Railway Company.

SECTION 3. Nothing herein contained shall operate to change, modify or annul any of the duties, liabilities or obligations of the Lowell Horse Railroad Company existing at the time of such purchase: *provided, however,* that the board of aldermen of said city shall have whatever authority it now has to modify, amend or change any order or vote relating to said railroad company heretofore passed by the mayor and aldermen or the board of aldermen of said city.

Duties, liabilities, etc., not modified.

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

*Approved April 2, 1890.*

AN ACT TO AMEND AN ACT TO INCORPORATE THE PROTESTANT EPISCOPAL SOCIETY OF CHRIST'S CHURCH, IN QUINCY.

*Chap. 164*

*Be it enacted, etc., as follows:*

SECTION 1. At the annual meeting of the Protestant Episcopal Society of Christ's Church, in Quincy, to be held on the seventh day of April, eighteen hundred and ninety, and which shall be held at eight o'clock in the afternoon of said day, and thereafter, until otherwise determined by said society as hereinafter provided, any person who for a year prior to such or any meeting shall have owned or hired a pew in the church or place of worship belonging to said society shall be considered as a member of said society and as entitled to vote at the meetings thereof.

Pewholders, etc., to be members of the society and to be entitled to vote at its meetings.

SECTION 2. Until otherwise determined by said society, any meeting thereof other than the annual meeting may be called by a justice of the peace for the county of Norfolk,

Meetings of the society.

by his notice in writing, stating the time, place and object of such meeting, posted upon the front door of the church or place of worship belonging to said society, at least seven days before the time appointed for such meeting.

Society may  
make by-laws.

SECTION 3. Said society is authorized to regulate and provide by suitable by-laws the qualifications and conditions for membership in said society, and for the limitation and termination thereof.

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

*Approved April 2, 1890.*

### Chap. 165

AN ACT CHANGING THE NAME AND ENLARGING THE CORPORATE POWERS OF THE PROPRIETORS OF ROXBURY CENTRAL WHARF.

*Be it enacted, etc., as follows:*

Name changed  
to Roxbury  
Central Wharf.

SECTION 1. The name of the Proprietors of Roxbury Central Wharf, a corporation established by chapter sixty-six of the acts of the year eighteen hundred and forty-one, is hereby changed to Roxbury Central Wharf; and said corporation may also hold for the term of thirty years, for the purposes in said chapter set forth, any flats, lands and marshes lying in Boston between the south bay, the Roxbury canal, Swett street and Dorchester avenue, to which it may acquire title by purchase or otherwise; and said corporation shall be subject to the provisions of chapter nineteen of the Public Statutes and to all other statutes which now are or hereafter may be in force applicable to corporations organized under the provisions of chapters one hundred and five and one hundred and six of the Public Statutes.

Substitute for  
1841, 66, § 2.

SECTION 2. The second section of said chapter sixty-six is hereby repealed and the following section is substituted, to wit:—*Section 2.* The capital stock of said corporation shall be divided into shares of one hundred dollars each, and the shares of stock now outstanding may be surrendered and converted into such new shares; and said corporation may also increase its capital stock by issuing such number of said shares as may be necessary to pay for lands or flats, within the limits aforesaid, conveyed to it by the owners thereof at valuations approved by the commissioner of corporations, and also shares to an amount not exceeding one hundred thousand dollars to be paid for in cash at par.

Capital stock  
and shares.

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

*Approved April 2, 1890.*

AN ACT RELATING TO FEES FOR DETENTION AND SUPPORT OF PRISONERS IN LOCK-UPS. Chap.166

*Be it enacted, etc., as follows:*

SECTION 1. Section thirty-four of chapter twenty-seven of the Public Statutes, relating to the powers and fees of keepers of lock-ups, is hereby amended by adding at the end of said section the following words: — No fee for detention and support shall be taxed or allowed under this section unless it shall appear by the officer's return that the defendant was actually detained in the lock-up.

Amendment to  
P. S. 27, § 34.

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

*Approved April 2, 1890.*

AN ACT TO AUTHORIZE THE CITY OF LYNN TO MAKE AN ADDITIONAL WATER LOAN. Chap.167

*Be it enacted, etc., as follows:*

SECTION 1. The city of Lynn, for the purpose of better utilizing its present sources of water supply and paying expenses already incurred therefor and any expenses connected therewith, may raise from time to time a sum of money not exceeding one hundred and fifty thousand dollars; and for this purpose may issue from time to time bonds, notes or scrip not exceeding said amount. Said notes, bonds or scrip shall bear on their face the words City of Lynn Water Loan, Act of 1890; 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 mayor and treasurer of said city. The said city may sell such securities at public or private sale or pledge the same for money borrowed on account of expenses connected with its water supply, upon such terms and conditions as it deems proper: *provided*, that such securities shall not be sold or pledged at less than the par value thereof. The said city shall at the time of contracting said loan provide for the establishment of a sinking fund, and shall annually contribute a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose; and the said city

May make an  
additional  
water loan.

City of Lynn  
Water Loan,  
Act of 1890.

Sinking fund,  
etc., to be estab-  
lished.

To be pledged  
to payment of  
loan.

Payment of  
interest.

shall raise annually by taxation a sum sufficient to pay the interest as it accrues on said bonds, notes and scrip.

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

*Approved April 4, 1890.*

**Chap. 168**

AN ACT AUTHORIZING SAVINGS BANKS TO INVEST IN AND LOAN UPON THE STOCK OF SAFE DEPOSIT AND TRUST COMPANIES.

*Be it enacted, etc., as follows:*

Amendment to  
P. S. 116, § 20.

Investments,  
etc., by savings  
banks.

SECTION 1. Clause fourth of section twenty of chapter one hundred and sixteen of the Public Statutes is hereby amended so as to read as follows:—*Fourth*, In the stock of any bank incorporated under the laws of this Commonwealth, or in the stock of any trust company, or safe deposit and trust company, incorporated under the laws of and doing business within this Commonwealth, as provided for in chapter four hundred thirteen of the acts of the year eighteen hundred eighty-eight, or of those trust companies, or safe deposit and trust companies, incorporated as such by special charters granted under the laws of and doing business within this Commonwealth, whose special charters require them to provide the same security as prescribed in sections thirteen and fourteen of said chapter four hundred thirteen, or in the stock of any banking association located in the New England States, and incorporated under the authority of the United States, or on the notes of any citizen of this Commonwealth, with a pledge as collateral of any of the aforesaid securities at no more than eighty per cent. of the market value and not exceeding the par value thereof: *provided*, that such corporation shall not hold, both by way of investment and as security for loans, more than one-quarter of the capital stock of any one bank, banking association, trust company, or safe deposit and trust company, herein described, nor invest nor hold as collateral security more than three per cent. of its deposits, nor more than one hundred thousand dollars, in the capital stock of any one such bank, association, trust company, or safe deposit and trust company. No savings bank or institution for savings shall invest or hold as collateral security more than thirty-five per cent. of its deposits in the stocks of banks, banking associations, trust companies, or safe deposit and trust companies, such as are described in this clause. Savings banks and institutions for savings shall not deposit more

Proviso.

Limit of invest-  
ments in banks,  
etc.

than five per cent. of the amount of their deposits in any one bank, banking association, trust company, or safe deposit and trust company, herein described, nor an amount exceeding twenty-five per cent. of the capital stock and surplus of such bank, banking association, trust company, or safe deposit and trust company.

Limit of deposits in banks, etc.

SECTION 2. Chapter two hundred twenty-four of the acts of the year eighteen hundred eighty-two, chapter two hundred two of the acts of the year eighteen hundred eighty-three, chapter ninety-five of the acts of the year eighteen hundred eighty-six, and all the acts and parts of acts inconsistent with the provisions of said clause fourth, as above amended, are hereby repealed.

Repeal.

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

*Approved April 4, 1890.*

AN ACT TO INCORPORATE THE LENOX SAVINGS BANK.

Chap.169

*Be it enacted, etc., as follows:*

SECTION 1. Richard H. Walker, Henry Sedgwick, Chester R. Bond, Murray A. Brown, William O. Curtis, Julius A. Parsons, Henry A. Belden, James Clifford, Patrick Duley, their associates and successors, are hereby made a corporation by the name of the Lenox Savings Bank; with authority to establish and maintain a savings bank in the town of Lenox in the county of Berkshire, 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.

Lenox Savings Bank, incorporated.

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

*Approved April 4, 1890.*

AN ACT TO AUTHORIZE THE NEW BEDFORD ORPHANS' HOME TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap.170

*Be it enacted, etc., as follows:*

SECTION 1. The New Bedford Orphans' Home, authorized by chapter two hundred and thirty-six of the acts of the year one thousand eight hundred and seventy to hold for the purposes mentioned in chapter eight of the acts of the year one thousand eight hundred and forty-three real and personal estate to an amount not exceeding one hundred thousand dollars, is hereby authorized to hold

May hold additional real and personal estate.

Proviso.

additional real and personal estate for said purposes: *provided*, that the whole amount so held shall not exceed two hundred thousand dollars.

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

*Approved April 4, 1890.*

Chap.171

AN ACT AUTHORIZING THE CORPORATION KNOWN AS THE PRESIDENT AND TRUSTEES OF WILLIAMS COLLEGE AND ITS STANDING COMMITTEES TO HOLD SPECIAL MEETINGS WITHOUT THE LIMITS OF THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

May hold special meetings without the limits of the Commonwealth.

SECTION 1. The corporation known as the President and Trustees of Williams College, and its standing committees, may hold special meetings without the limits of the Commonwealth.

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

*Approved April 8, 1890.*

Chap.172

AN ACT TO ENABLE THE CITY OF LOWELL TO ISSUE BONDS, NOTES OR SCRIP FOR THE PAYMENT OF ITS WATER INDEBTEDNESS.

*Be it enacted, etc., as follows:*

May issue bonds, etc., for refunding water debt.

SECTION 1. The city of Lowell, 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 million dollars, payable in periods not exceeding thirty years from the date of issue and bearing interest at rates not exceeding four per centum per annum; but 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 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.

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

*Approved April 8, 1890.*

Chap.173

AN ACT RELATIVE TO SIGNALS AT GRADE CROSSINGS.

*Be it enacted, etc., as follows:*

Amendment to P. S. 112, § 163.

SECTION 1. Section one hundred and sixty-three of chapter one hundred and twelve of the Public Statutes is hereby amended by inserting after the word "or", in the fourth line, the words:—at least three separate and

distinct blasts of,—so that said section shall read as follows :— *Section 163.* Every railroad corporation shall cause a bell of at least thirty-five pounds in weight, and a steam-whistle, to be placed on each locomotive engine passing upon its road; and such bell shall be rung or at least three separate and distinct blasts of such whistle sounded at the distance of at least eighty rods from the place where the road crosses, upon the same level, any highway, town way, or travelled place over which a sign-board is required to be maintained as provided in the two following sections; and such bell shall be rung or such whistle sounded continuously or alternately, until the engine has crossed such way or travelled place.

Signals at grade crossings.

SECTION 2. Nothing contained in this act shall be construed to affect the authority now vested in the board of railroad commissioners regarding signals at grade crossings.

Power of commissioners not affected.

*Approved April 8, 1890.*

AN ACT TO INCORPORATE THE BRANT ROCK WATER COMPANY.

*Chap. 174*

*Be it enacted, etc., as follows :*

SECTION 1. Bradley S. Bryant, Frank T. Dwinell, Edwin W. Brown, their associates and successors, are hereby made a corporation by the name of the Brant Rock Water Company, for the purpose of furnishing the inhabitants along the shore, within a distance of a mile back from the line of the shore, from the point where the southerly line of the land of Horace E. Baker and associates, near the Brant rock road causeway, intersects the line of high water upon Marshfield beach in the town of Marshfield, to New gap on Salthouse beach in the town of Duxbury, with water for domestic and other purposes, including the extinguishment of fires; with all the power and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporation.

Brant Rock Water Company incorporated.

Powers and duties.

SECTION 2. The said corporation for the purposes aforesaid may take, by purchase or otherwise, and hold and convey through the above described territory or any part thereof the water, so far as may be necessary for such purposes, of any well or wells, spring or springs, stream or streams within said territory, except the waters of Green harbor river; and for said purposes may take and hold by purchase or otherwise any real estate

May take and hold water, except of Green harbor river.

May take real estate.

within said territory necessary for holding and preserving such water and conveying the same to any part of said above described territory ; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works ; and may construct and lay down conduits, pipes and other works, under or over any lands, water-courses, railroads or public or private ways and along any such ways in such manner as not unnecessarily to obstruct the same ; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up such lands and, under the direction of the board of selectmen of the town in which such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May erect dams, buildings, etc.

May construct and lay down conduits, etc.

May dig up lands and ways.

May purchase aqueduct, etc.

SECTION 3. The said corporation may purchase from the owner of any aqueduct or water pipes now used in furnishing water to the inhabitants of said territory all the estate, property, rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

To cause to be recorded in the registry of deeds a description of land, etc., taken.

SECTION 4. The said corporation shall, within sixty days after the taking of any lands, rights of ways, water rights, water-sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which such lands or other property 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 the corporation.

Corporation to pay damages sustained.

SECTION 5. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water-source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by

Assessment for damages.



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 three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for assessment not to be made until water is actually diverted.

SECTION 6. The said corporation may distribute water through said described territory, may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with any individual or corporation to supply water for the extinguishment of fire or for other purposes as may be agreed upon by any individual or corporation, and said corporation.

May distribute water and may fix and collect water rates.

SECTION 7. The said corporation may for the purposes set forth in this act hold real estate not exceeding in amount two thousand dollars; and the whole capital stock of said corporation shall not exceed five thousand dollars, to be divided into shares of one hundred dollars each.

Real estate, capital stock and shares.

SECTION 8. Said corporation may issue bonds and secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure by mortgage.

SECTION 9. The said town of Marshfield or any fire district that is or may hereafter be legally organized therein shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation on payment to said corporation of the total cost of its franchise, works and property of any kind held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. In case said town or such fire district and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town or such fire district, the supreme judicial court shall ascertain and fix such total cost under the foregoing pro-

Town or fire district may purchase franchise, etc.

Subject to assent by a two-thirds vote of the town or fire district.

visions of this act, and enforce the right of said town or such fire district to take possession of such franchise, corporate property, rights and privileges, upon payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the taking is assented to by said town or such fire district by a two-thirds vote of the voters of said town or such fire district present and voting thereon at a meeting legally called for that purpose.

Penalty for polluting or diverting water.

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 corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Work to be commenced within two years.

SECTION 11. This act shall take effect upon its passage, but shall become void unless work under said act is begun within two years from the date of its passage.

*Approved April 8, 1890.*

**Chap.175** AN ACT TO PROVIDE FOR THE RETURN OF COPIES OF RECORDS OF VOTES CAST FOR REPRESENTATIVES IN THE GENERAL COURT.

*Be it enacted, etc., as follows :*

Copy of record to be returned to the secretary within fifteen days.

City and town clerks shall transmit to the secretary of the Commonwealth, within fifteen days after the day of an election for representatives in the general court, attested copies of the records of votes cast for all candidates for said office in each voting precinct or in each town not divided into voting precincts. *Approved April 8, 1890.*

**Chap.176** AN ACT TO INCORPORATE THE CHAPPAQUIDDIC COMPANY.

*Be it enacted, etc., as follows :*

Chappaquiddic Company incorporated.

SECTION 1. Lester W. Clark, Horace Bacon and Samuel Keniston, their associates and successors, are hereby made a corporation for the term of thirty years, by the name of the Chappaquiddic Company, for the purpose of leasing, purchasing, holding, improving and disposing of land and land under water on the island of

May purchase and sell land, etc.

Chappaquiddic in the town of Edgartown, with such personal property as may be necessary and convenient for its corporate purposes, with authority to mortgage the same and borrow money thereon, provided that said corporation shall not hold, including land which they are hereinafter permitted to acquire on the island of Martha's Vineyard, over two hundred acres of land; with all the powers and privileges and subject to all the duties, limitations and restrictions conferred or imposed by general laws which now are or hereafter may be in force applicable to such corporations, including chapters fifty-five, one hundred and five and one hundred and six of the Public Statutes.

Powers and duties.

SECTION 2. Said corporation shall have power to construct a wharf or wharves on and from any of its land on said Chappaquiddic, or elsewhere in said town of Edgartown, into tide-water, and to establish and to build and to maintain one or more hotels and other buildings on its said land, and to establish and maintain and operate a ferry over and across the waters dividing said town of Edgartown; with authority to purchase, hold and improve as much land on the island of Martha's Vineyard in said Edgartown as shall be necessary for the purposes of a landing place for said ferry. Said corporation shall, in respect to the construction of wharves and other structures and works below high water mark, 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.

May construct wharf, build hotels, etc.

SECTION 3. The capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of fifty dollars each, and such corporation, subject to the provisions of law, may increase the said stock to an amount not exceeding fifty thousand dollars. Capital stock may be issued and paid in either in cash or property, the value of such property to be determined by the commissioner of corporations.

Capital stock and shares.

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

*Approved April 8, 1890.*

AN ACT TO ESTABLISH DISTRICT COURTS IN THE COUNTY OF BARNSTABLE. *Chap. 177*

*Be it enacted, etc., as follows:*

SECTION 1. The towns of Barnstable, Yarmouth, Sandwich, Bourne, Falmouth and Mashpee shall consti-

First District Court of Barnstable.

tute a judicial district under the jurisdiction of a court to be called the First District Court of Barnstable. Said court shall be held in the town of Bourne on Saturday of each week, and at such other times as the justice thereof may by general rule determine; and shall also be held at all other times required by law or by such general rule, in the village of Barnstable in the town of Barnstable.

Second District Court of Barnstable.

SECTION 2. The towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, Brewster, Chatham, Harwich and Dennis shall constitute a judicial district under the jurisdiction of a court to be called the Second District Court of Barnstable. Said court shall be held in the town of Harwich on Friday of each week, and at such other times as the justice thereof may by general rule determine; and shall also be held at all other times required by law or by such general rule, in the town of Provincetown.

Salaries of justices.

SECTION 3. There shall be one justice and two special justices of each of said courts. The justice of each of said courts shall receive from the county of Barnstable an annual salary of one thousand dollars. All the provisions of law applicable to police and district courts shall be applicable to said courts.

First session of courts on first Monday of May, 1890.

SECTION 4. The first session of each of said courts shall be held on the first Monday of May in the year one thousand eight hundred and ninety, but nothing in this act shall affect any suit or other proceedings begun prior to said first Monday in May.

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

*Approved April 11, 1890.*

### Chap. 178

AN ACT TO AMEND AN ACT IN RELATION TO THE MEMORIAL HOSPITAL IN WORCESTER.

*Be it enacted, etc., as follows:*

Amendment to 1872, 179, § 1.

SECTION 1. Section one of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and seventy-two is hereby amended by striking out the word "four", in the eighth line, and inserting in the place thereof the word : — six, — so that said section shall read as follows : — *Section 1.* The trustees of the Memorial Hospital may accept, receive, hold, conduct and manage all moneys and personal estate given and bequeathed by the last will and testament of the late Ichabod Washburn of Worcester, for founding and maintaining a memorial hospital in Worcester, and all other moneys and personal

Trustees of the Memorial Hospital may accept property bequeathed by Ichabod Washburn.

estate which may hereafter be given or bequeathed to them for the purposes of said hospital, not exceeding six hundred thousand dollars in the whole; and may take and hold lands and real estate devised, by the said Washburn, or to be hereafter acquired by devise, grant, purchase or otherwise, for the uses and purposes of said hospital, of the value of one hundred thousand dollars.

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

*Approved April 11, 1890.*

AN ACT TO AMEND AN ACT RELATING TO PROVIDING MEANS OF COMMUNICATION BETWEEN CERTAIN ROOMS IN MANUFACTURING ESTABLISHMENTS.

*Chap. 179*

*Be it enacted, etc., as follows:*

Section one of chapter one hundred and seventy-three of the acts of the year eighteen hundred and eighty-six is hereby amended by inserting after the word "bells", in the fifth line, the words:—or appliances that may control the motive power,—so that said section shall read as follows:—*Section 1.* In every manufacturing establishment where the machinery used is propelled by steam, communication shall be provided between each room where such machinery is placed and the room where the engineer is stationed, by means of speaking tubes, electric bells, or appliances that may control the motive power, or such other means as shall be satisfactory to the inspectors of factories: *provided*, that in the opinion of the inspectors such communication is necessary.

Amendment to 1886, 173, § 1.

Communication between rooms in manufacturing establishments.

*Approved April 11, 1890.*

AN ACT TO PROVIDE FOR THE REMOVAL OF PRISONERS FROM THE STATE PRISON IN BOSTON TO THE STATE FARM IN BRIDGEWATER.

*Chap. 180*

*Be it enacted, etc., as follows:*

SECTION 1. The commissioners of prisons, with the consent of the governor and council, are hereby authorized to remove from the state prison in Boston to the state farm in Bridgewater, any aged or infirm prisoner who can be safely kept at said state farm; and said commissioners may return to the said state prison any prisoner so removed.

Infirm prisoners may be removed from the state prison to the state farm.

SECTION 2. Any prisoner removed or returned in accordance with this act shall be held in the place of imprisonment to which he is so removed or returned

To be held until expiration of sentence.

until the expiration of his original sentence, unless sooner discharged.

Order of removal to be signed by the secretary of commissioners of prisons.

SECTION 3. Every order for the removal or return of a prisoner under this act shall be signed by the secretary of the commissioners of prisons, and may be executed by any officer authorized to serve criminal process. All mittimuses, processes and other official papers, or attested copies thereof, by which a prisoner is held in custody shall be removed or returned with him.

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

*Approved April 11, 1890.*

**Chap.181** AN ACT AUTHORIZING EMPLOYEES OF STREET RAILWAY COMPANIES TO UNITE WITH SUCH COMPANIES IN ESTABLISHING RELIEF SOCIETIES.

*Be it enacted, etc., as follows :*

Rights of employees of street railway companies. 1872, 244.

SECTION 1. The employees of street railway companies shall have all the rights, powers and privileges granted to employees of railroad and steamboat corporations by the provisions of chapter two hundred and forty-four of the acts of the year eighteen hundred and eighty-two, and all the provisions of said chapter shall be applicable to relief societies established under this act and to the officers and agents thereof.

Rights of street railway companies. 1886, 125.

SECTION 2. Street railway companies shall have all the rights, powers and privileges which were granted to railroad corporations by the provisions of chapter one hundred and twenty-five of the acts of the year eighteen hundred and eighty-six ; and the funds of any relief society established under this act shall be exempt from attachment and other legal process in the same manner and to the same extent as provided in said chapter.

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

*Approved April 11, 1890.*

**Chap.182** AN ACT TO INCORPORATE THE MILFORD AND HOPEDALE STREET RAILWAY COMPANY.

*Be it enacted, etc., as follows :*

Milford and Hopedale Street Railway Company incorporated.

SECTION 1. William F. Draper, Charles W. Shippee, Henry B. Sprague, Edward P. Usher, Frank W. Morse and J. Albert Walker, their associates and successors, are hereby made a corporation under the name of the Milford and Hopedale Street Railway Company ; with all

the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided.

SECTION 2. Said company is hereby authorized to establish and maintain the electric system of motive power, so called, and, with the consent of the selectmen of the towns of Milford and Hopedale, to make such underground alteration of the streets, and erect such poles and wires, as may be necessary to establish and maintain said motive power; except that said company shall not use a centre surface rail for the transmission of the electric current.

May maintain the electric system of motive power.

SECTION 3. Said company is hereby authorized to construct, maintain and operate a street railway, with single or double tracks and with convenient and suitable turn-outs and switches, upon and over such streets and highways in the towns of Milford and Hopedale as shall be approved and agreed to by the selectmen of the respective towns: *provided*, that the tracks of said company shall not cross at grade the tracks of any steam railroad company without the consent of the railroad commissioners.

May maintain railway in Milford and Hopedale.

SECTION 4. The capital stock of said company shall not exceed sixty thousand dollars, except that said company may increase its capital stock subject to all general laws applicable to such increase.

Capital stock and shares.

SECTION 5. The rates of fare charged by said company shall not exceed five cents for any single fare.

Fare not to exceed five cents.

SECTION 6. Said company may, from time to time, by the vote of the majority in interest of its stockholders, issue coupon or registered bonds to an amount not exceeding the amount of its capital stock actually subscribed for and paid in, for a term not exceeding thirty 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 property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or in due course of business otherwise 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 shall be substituted in lieu thereof.

May issue bonds and secure by mortgage.

Bonds to be approved and certified.

SECTION 7. All bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

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

*Approved April 11, 1890.*

**Chap.183**

AN ACT TO PROHIBIT THE EMPLOYMENT OF WOMEN AND MINORS IN MANUFACTURING ESTABLISHMENTS BETWEEN THE HOURS OF TEN O'CLOCK AT NIGHT AND SIX O'CLOCK IN THE MORNING.

*Be it enacted, etc., as follows:*

Hours of labor for women and minors.

SECTION 1. No corporation or manufacturing establishment in this Commonwealth shall employ any woman or minor in any capacity for the purpose of manufacturing, between the hours of ten o'clock at night and six o'clock in the morning, under the penalty of not less than twenty nor more than fifty dollars for each and every offence.

To take effect July 1, 1891.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and ninety-one.

*Approved April 11, 1890.*

**Chap.184**

AN ACT TO CONFIRM THE PRESENT ORGANIZATION OF THE FIRST PARISH, WEST ROXBURY.

*Be it enacted, etc., as follows:*

First Parish, West Roxbury, incorporated.

SECTION 1. The First Parish, West Roxbury, is hereby declared to be an incorporated parish, subject to so much of the provisions of chapter thirty-eight of the Public Statutes as applies to parishes, notwithstanding any lack of legal authority in the original organization of said parish. The acts and doings of said parish from and including the twenty-eighth day of November in the year one thousand seven hundred and thirty-three, to and including the fourteenth day of March in the year one thousand seven hundred and ninety-six, as shown upon the book of records of said parish, are hereby ratified and confirmed.

Present organization declared legal and valid.

SECTION 2. The present organization of said parish is hereby declared to be a valid and legal organization of said parish; and the acts and doings of said parish from and including the fifteenth day of March in the year one thousand seven hundred and ninety-six, to and including the fourteenth day of March in the year one thousand eight hundred and eighty-three, a period the records of which



are lost, and the acts and doings of said parish from and including the fifteenth day of March in the year one thousand eight hundred and eighty-three, to and including the fourth day of March in the year one thousand eight hundred and ninety, as shown upon the book of records of said parish (except by-laws purporting to have been passed during said latter period, concerning which no provision is hereby made), precedent to and in the admission as members of said parish of the persons hereinafter named, who are all now acting as such members, and precedent to and in the election of the persons now acting as the officers of said parish, to wit: Clement W. Sparhawk, Charles W. Whittemore and Charles M. Seaver as the standing committee, Henry Manley as the treasurer, Harold Ward as the collector and Edward C. Wade as the clerk of said parish, are hereby confirmed, notwithstanding any informality therein, and notwithstanding the loss of records of said parish. The persons hereinbefore referred to are as follows: Louis Arnold, Ethel Arnold, Jason S. Bailey, Laura A. Bailey, Sarah M. Baldwin, Elias T. Bowthorpe, Arthur W. Brown, Amy T. Brown, Lydia H. Buckminster, Curtis Clapp, Curtis Clapp, Jr., Martha L. Clapp, Walter H. Cowing, Samuel B. Dana, Frank A. Davidson, Marion J. Davidson, Charles G. Davis, Annie H. Davis, William G. DeColigny, Ellen M. Dudley, Elmira S. Dudley, Linus Faunce, Wilhelmina H. Faunce, John A. Emmons, William H. Gordon, Marshall Gordon, Annie L. Gordon, George K. Guild, Augustus M. Haskell, Lucy C. Hewins, Charles A. Hewins, Caroline L. Hewins, Frank A. Hewins, Florence E. Hewins, Stalie Koopman, Louisa B. Lincoln, Alden W. Lovejoy, Francis C. Lord, Juliet T. Lord, Henry Manley, Susan E. Manley, William S. Mitchell, Charles A. Morse, Charles Morse, Alice M. Morse, Carrie L. Morse, Horatio Mann, Abbie L. Mann, A. J. Mitchell, Susan E. Morris, Daniel C. Murray, Bernice J. Noyes, Fannie C. Noyes, Charles W. C. Rhoades, Susan F. Rhoades, Susie L. Richardson, Maria W. Ross, Emma R. Ross, Charles M. Seaver, Clement W. Sparhawk, Bertha M. Sparhawk, Alvin S. Shumway, Hales W. Suter, Harold Ward, Edward C. Wilder, Charles W. Whittemore, Lucy J. Whittemore, Charles W. Whittemore, 2d, John A. Whittemore, Hattie E. Whittemore, Inez Whittemore, Martha M. Whittemore, Cora West-

Election of officers confirmed.

Members of parish.

To declare in writing acceptance of membership.

cott, Thomas A. Westcott, Marion Westcott, Annabel Wetherbee, Maria M. Whittemore, Richard H. Weld, Matilda M. Wilcox, Edward C. Wade, Catherine M. Walker, Honoré Welch, Charles H. Tyler, Lucinda E. Tyler, Susan M. Seaver. Said persons or so many of them as shall within sixty days after the passage of this act signify in writing to the clerk of said parish their acceptance of membership therein, are hereby declared to be members of said parish, with all the rights of members of parishes under general laws. This act shall not affect the right of any person not herein named, who may now be a member of said parish.

Doings of parish in giving a mortgage ratified and confirmed.

SECTION 3. The acts and doings of said First Parish, West Roxbury, precedent to and in the giving of a mortgage from said first parish to Otis Gay, dated the twelfth day of March in the year one thousand eight hundred and seventy-four, duly recorded with Suffolk deeds, are hereby ratified and confirmed, notwithstanding any informalities in said acts and doings, and notwithstanding the loss of records of said parish covering the time of the giving of said mortgage; the proceeds of said mortgage having been received and applied to the use of said parish, and said mortgage having been acquiesced in since its date by said parish; and the said mortgage is hereby declared to be a valid mortgage upon the real estate therein described as conveyed.

Rights of pew owners not affected.

SECTION 4. This act shall in no way affect or give the right to affect the interests or rights of pew owners in said society.

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

*Approved April 15, 1890.*

### Chap. 185

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO PURCHASE THE FRANCHISES AND PROPERTY OF THE EASTERN RAILROAD COMPANY AND THE EASTERN RAILROAD IN NEW HAMPSHIRE AND THE PORTSMOUTH, GREAT FALLS AND CONWAY RAILROAD.

*Be it enacted, etc., as follows:*

1888, 250, § 1, amended.

SECTION 1. Section one of chapter two hundred and fifty of the acts of the year one thousand eight hundred and eighty-eight is hereby amended so as to read as follows:— *Section 1.* The Boston and Maine Railroad is hereby authorized to acquire by purchase the roads, franchises and property of the Eastern Railroad Company and

Boston and Maine Railroad may purchase franchises, etc., of the Eastern

of the Portsmouth, Great Falls and Conway Railroad on such terms as may be agreed to by the respective boards of directors of said corporations and as shall be approved, at meetings called for the purpose, by a majority in interest of the stockholders of the purchasing corporation and by a majority in interest of the stockholders, other than said Boston and Maine Railroad, of each of said selling corporations: *provided, however*, that the approval of the agreement for the purchase of the road, franchises and property of said Eastern Railroad Company shall be given by the votes of a majority in interest of the holders of the preferred stock of said company, and by the votes of a majority in interest of the holders of the common stock thereof, and not otherwise. For the purpose of making such purchases, and to enable it to carry into effect such agreements as may be made relating thereto, said Boston and Maine Railroad may increase its capital stock by an amount not exceeding the aggregate of the capital stocks as now existing of said selling corporations, and may issue and dispose of said additional stock as required by said agreements, and may exchange the same or any part thereof for the stocks of the selling corporations or either of them or for any part thereof, and may make any portion of its capital stock, either as already existing or as increased under the authority of this act for the purpose of said purchases, preferred stock, entitled to such preference as to rights and dividends as said agreements may prescribe. For the purpose of facilitating and effecting said purchases of the roads, franchises and property of said Eastern Railroad Company and of said Portsmouth, Great Falls and Conway Railroad, the said Boston and Maine Railroad may, after the making of said agreements, or either of them, purchase the shares of the capital stocks of said companies or either of them or any part thereof; and to pay for the same, may either sell the additional capital stock hereinbefore authorized, or any part thereof, at public auction, in the manner provided by section fifty-nine of chapter one hundred and twelve of the Public Statutes; or may issue and sell bonds to the requisite amount, as its directors at the time of any purchase may determine.

Railroad Company and of the Portsmouth, Great Falls and Conway Railroad.  
1888, 250, § 1.

May increase capital stock.

May sell additional capital stock.

SECTION 2. Every stockholder of either the purchasing or the selling corporation shall be deemed to assent to any purchasing agreement authorized by section one of

Stockholders deemed to assent, unless dissent in writing is filed, etc.

Proviso.

Petition to be filed with the court within thirty days from the filing of stockholder's dissent.

Report or verdict, when accepted by the court, to be final.

this act, unless, within thirty days from the approval of such purchasing agreement by a majority in interest of the stockholders of the purchasing and selling corporations, he shall file with the clerk of the purchasing corporation a writing declaring his dissent therefrom, and stating the number of shares held by him and the number of the certificate or certificates evidencing the same: *provided, however,* that as against any stockholder legally incapacitated from acting for himself and having no legal guardian, said period of thirty days shall not begin to run until the removal of such incapacity by the appointment of a legal guardian or otherwise. The shares of any stockholder dissenting as above specified shall be acquired by the purchasing corporation, and shall be valued, and the value thereof be paid or tendered or deposited to or for account of such stockholder in the manner following:— Within thirty days from the filing of any stockholder's dissent as above provided, the purchasing corporation shall file its petition with the supreme judicial court, sitting within and for the county of Suffolk, setting forth the material facts and praying that the value of such dissenting stockholder's shares may be determined. Thereupon, after such notice to all parties concerned as it may deem proper, said court shall pass an order requiring such dissenting stockholder's certificate of stock to be deposited with the clerk of said court, and shall appoint three commissioners to ascertain and report the value of such dissenting stockholder's shares on the day of the approval of the purchasing agreement by the stockholders of the purchasing and selling corporations. Said report shall be made to the court as soon as practicable, and, after due notice to the parties in interest, shall be accepted by the court, unless before such acceptance either of the parties to said proceeding shall claim a jury, in which case the court shall order the value of said shares to be tried and determined by a jury in the same manner as other civil cases are tried by said court. The said commissioners' report, or such verdict, when accepted by the court, shall be final and conclusive as to the value of such dissenting stockholder's shares, and the amount so ascertained as such value shall be at once paid or tendered to such stockholder; or, if such payment or tender be for any cause impracticable, shall be paid into court. Upon such payment or tender or deposit, the shares of such dissenting stockholder and

the certificate or certificates thereof shall become the property of the purchasing corporation, whose right and title thereto may be enforced by the court by any appropriate order or process. Exceptions may be taken to any ruling or order of said court, to be heard and determined by the full court as in other civil cases. And said court may make all such orders for the enforcement of the rights of any party to the proceeding — for the consolidation of two or more petitions and their reference to the same commissioners — for the consolidation of claims for a jury and the trial of two or more cases by the same jury — and for the payment of interest upon the value of a stockholder's share as determined, and the payments of costs by one party to the other — as justice and equity and the speedy settlement of the matters in controversy may require.

Exceptions.

Court may make order for enforcement of rights, etc.

SECTION 3. Said Boston and Maine Railroad may increase its capital stock, after the purchase and in addition to the amount hereinbefore authorized, by an amount not exceeding five millions of dollars. The new stock hereby authorized shall be issued from time to time in accordance with the laws existing at the time of such issue, and the proceeds thereof shall be applied to providing additional property and equipment for the railroad of said company; to the improvement of said railroad, and of other property owned or leased by it; 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.

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

*Approved April 15, 1890.*

AN ACT TO AUTHORIZE THE TOWN OF WINCHESTER TO RAISE MONEY TO CELEBRATE THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF THE FIRST WHITE SETTLEMENT WITHIN ITS TERRITORY. Chap. 186

*Be it enacted, etc., as follows:*

SECTION 1. The town of Winchester is authorized to raise by taxation a sum of money not exceeding one thousand dollars, for the purpose of celebrating the two hundred and fiftieth anniversary of the first white settlement within its territory.

May raise money for celebrating anniversary.

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

*Approved April 17, 1890.*

*Chap.*187 AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO MAKE AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

May make an additional water loan.  
1886, 325, § 5.  
1887, 316, § 2.  
1888, 236, § 1.

SECTION 1. The town of Marblehead, for the purpose mentioned in section five of chapter three hundred and twenty-five of the acts of the year eighteen hundred and eighty-six as amended by section two of chapter three hundred and sixteen of the acts of the year eighteen hundred and eighty-seven and section one of chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-eight, is hereby authorized to issue notes, bonds or scrip, to be denominated on the face thereof Marblehead 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 acts for the issue of the Marblehead 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 two hundred thousand dollars.

Whole amount not to exceed \$200,000.

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

*Approved April 17, 1890.*

*Chap.*188 AN ACT TO PROVIDE FOR THE BUILDING, MAINTENANCE AND OPERATION OF A SYSTEM OF SEWAGE DISPOSAL FOR THE CITY OF MALDEN.

*Be it enacted, etc., as follows:*

Malden Sewerage Loan.  
1889, 439.

SECTION 1. The city of Malden, for the purpose of constructing and maintaining main drains and common sewers for a part or the whole of its territory, and such other works as may be required for a system of sewage disposal for said city, to be constructed, maintained and operated in connection with the main sewers and other works required to be constructed, maintained and operated as provided by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, for a system of sewage disposal for said city and for the purpose of extending the same from time to time as may

be deemed necessary, may issue scrip or bonds to be denominated on the face thereof Malden Sewerage Loan, to an amount not exceeding two hundred and fifty thousand dollars, bearing interest not exceeding five 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. The city council may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the above purposes, but the same shall not be sold or pledged for less than the par value thereof.

Not to exceed  
\$250,000.

Not to be sold  
or pledged at  
less than par  
value.

SECTION 2. The city council may provide by ordinance that owners of estates on which there are buildings situated upon any street or way through which a main drain or common sewer has been constructed shall construct and maintain such drains through their premises as may be necessary to conduct the sewage from said estates, and shall enter said drains into said main drain or common sewer, provided the grade or level of said estates is such that said sewage can be drained into such drain or sewer.

Entrance to  
main drains  
from estates on  
street, etc.

SECTION 3. The city council may by ordinance establish annual rates to be paid by the owners or occupants of estates upon any street or way through which a main drain or common sewer has been constructed, provided the grade or level of said estates is such that the sewage from said estates can be drained into such drain or sewer; and may change the same from time to time. Unimproved estates may be excepted, either while unimproved or for a term of years, or such discrimination may be made for the relief of said estates in fixing the amount of said annual rates as may be deemed equitable. The city council by ordinance shall fix the sums which such owners may pay in lieu of said annual rates, and said sums shall, upon the written request of any of said owners, be apportioned in three equal parts; and one of said parts with interest thereon from the date of said apportionment shall be paid in each of the three years next ensuing. Said annual rates and said sums to be paid in lieu thereof shall constitute a lien upon said estates, and may be collected in the same manner as taxes upon real estate or by an action of contract in the name of the city. Said lien shall continue for two years after said rates or sums to be paid in lieu thereof have been committed to the collector for collection, and when said sums are to be paid in instalments

Annual rates to  
be paid by  
owners of  
estates may be  
established by  
ordinance.

shall continue for two years after the last instalment has been committed to the collector for collection.

Disposition of rates and payments.

Sinking fund.

Sinking fund to remain sacred and inviolate.

Inspection of drains.

Sewage disposal.

Powers to be executed by street commissioners.

SECTION 4. The receipts from said annual rates and payments made in lieu thereof, after deducting expenses, shall be applied first to the payment of the interest upon the scrip or bonds issued under the authority of this act not otherwise provided for; and the balance shall be set apart to meet the requirements of the sinking fund for the payment and redemption of said scrip or bonds as provided by section nine of chapter twenty-nine of the Public Statutes. If said receipts shall be insufficient to pay the interest on said scrip or bonds and to meet the requirements of the sinking fund, as provided by said section nine, the deficiency shall be raised annually by taxation. If in any year there shall be an excess of the sum necessary to pay said interest and to meet the requirements of the sinking fund for said year, the surplus may be applied towards the payment of the sums which the city is required to pay by the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine. Said sinking fund shall remain sacred and inviolate and pledged to the payment and redemption of said scrip or bonds and shall be used for no other purpose. The provisions of sections ten and eleven of said chapter twenty-nine of the Public Statutes shall so far as applicable apply to said sinking fund.

SECTION 5. The city council may by ordinance prescribe rules and regulations for the inspection, materials, construction, alteration or use of all drains entering into said main drains or common sewers, and may impose penalties not exceeding twenty dollars for each violation thereof and for each violation of any ordinance established under the authority conferred by this act.

SECTION 6. The rights, powers and authority to construct and maintain main drains and common sewers, and to operate such other works as may be required for a system of sewage disposal for the city of Malden, and to assess the annual rates and sums to be paid in lieu thereof, now vested by law in the city council or mayor and aldermen or conferred by this act upon the city council, shall be exercised by the board of street commissioners. Said board shall not incur any expenditures in laying out or constructing drains, sewers or other



works for sewage disposal without a previous appropriation by the city council; and in the assessment of annual rates or sums to be paid in lieu thereof, and in all matters pertaining to its powers and duties, shall be subject to such rules and regulations as the city council may by ordinance from time to time establish.

SECTION 7. The provisions of section four of chapter twenty-nine of the Public Statutes as amended by chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five shall not apply to any debt created under the authority conferred by this act.

Provisions of P. S. 29, § 4, 1885, c. 112, not to apply.

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

*Approved April 18, 1890.*

AN ACT TO INCORPORATE THE CITY OF CHICOPEE.

*Chap. 189*

*Be it enacted, etc., as follows:*

SECTION 1. The inhabitants of the town of Chicopee 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 Chicopee, 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 Chicopee 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, and of the buildings and property pertaining thereto, 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 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 aldermen, which shall be in such form and be

Election on first Tuesday of December.

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, city clerk, city treasurer and school committee in accordance with the provisions of this act and the laws of this 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. 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, city clerk or city treasurer, or if the person elected mayor, city clerk or city treasurer shall refuse to accept the office, or shall die before qualifying, or if a vacancy in any of said offices 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, city clerk and city treasurer, and shall be repeated until the election of mayor, city clerk or city treasurer 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. The office of city clerk and city treasurer may be held and filled by the same person.

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 in 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, city clerk and city treasurer shall be elected by the qualified voters of the entire city, and shall hold office for the municipal year beginning with the first Monday of January next succeeding the election and until their successors are elected and qualified. The mayor 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 of 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 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 eight hundred dollars per annum, and the same shall be payable at stated periods. He shall receive no other compensation for his services.

Mayor, city clerk and treasurer to hold office until successor is elected and qualified.

Mayor to be chief executive officer.

Mayor 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 shall be appointed annually, but all other police officers shall hold during good behavior and

Mayor to appoint, subject to confirmation, police officers and constables.

Chief of police or constable may be required to give bond.

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 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 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 the voters of 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 board 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.

To receive no compensation.

Quorum.

Meeting for organization on the first Monday in January.

SECTION 13. On the first Monday of January of each year, at ten o'clock in the forenoon, the mayor elect, aldermen elect 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 one of its own members as president and also by the choice of a clerk not one of its own members, to hold office respectively 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, in the absence of the mayor, shall preside at the meetings of the board of aldermen and of the two councils in joint convention. 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 to 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 proceedings, and be the judge of the election of its own members.

Organization of the common council.

Organization of the board of aldermen.

Record of proceedings.

Duties of the city clerk.

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 aldermen, may appoint a clerk pro tempore who shall be duly qualified.

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 Chicopee and in the officers of the Chicopee central fire district and Chicopee Falls 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

Executive power vested in mayor and aldermen.

as if the same were herein specially enumerated, except as herein otherwise provided.

City council to make annual appropriations.

SECTION 16. The city council shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year; and no further appropriations shall thereafter be made 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 entrusted 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 except that of the public schools as hereinbefore provided. The city council shall not authorize the erection of a school-house or any addition thereto nor pass any appropriation for such purpose until plans of the same have been approved by vote of the school committee, and such approval has been certified in writing to the council by the chairman of said committee. It shall also have the sole care, superintendence and management of the public grounds and cemetery 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.

To have care and superintendence of city buildings, etc.

Erection of school-houses.

Management of public grounds and cemetery.

War relief fund.

SECTION 17. The war relief fund now held by the town of Chicopee shall be held, controlled and administered by the city council of the city of Chicopee, subject to the same conditions and limitations that now exist.

Nominations to be made by mayor, subject to confirmation by the board of aldermen.

SECTION 18. 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 during the year 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.

SECTION 19. 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 the laws and regulations now in force in the town of Chicopee and in the fire districts in the town of Chicopee shall, until they shall expire by their own limitations 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.

City council may make ordinances, etc., and affix penalties.

Proviso.

SECTION 20. The city council shall have sole 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 damage sustained thereby; but all questions relating to the subject 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 the appeals from the decisions of selectmen or road commissioners of towns.

City council may lay out streets, ways, etc.

SECTION 21. 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, materials or labor on account of or for the use of the city.

Purchase of supplies.

SECTION 22. The city council shall annually, as soon after their organization as may be convenient, elect by concurrent vote a collector of taxes, and in like manner 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

Election of collector, city physician, city solicitor, etc.

Removal. 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.

Fire department may be established. SECTION 23. The city council may establish a fire department for said city, to consist of a chief engineer and of as many assistant engineers, enginemen, hosemen, hook-and-laddermen, 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 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.

Engineers to be the firewards of the city.

City council may establish fire limits. SECTION 24. 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 the Commonwealth.

Assessors of taxes to be elected by concurrent vote. SECTION 25. The city council first elected after the acceptance of this act shall in the month of January choose by concurrent vote 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. Any vacancy occurring in the office of assessor may be filled by concurrent ballot of the city council for the unexpired term. The compensation of the assessors shall be fixed by concurrent vote of the city council.

Vacancies.

Compensation.

SECTION 26. The city council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent vote three persons, legal voters of said city, to constitute a board of overseers of the poor in said city, one to serve for the term of three years, one for the term of two years and one for the term of 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 and qualified. 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, an almoner, who shall serve as clerk of the board and who may be removed by the board; the compensation of the almoner shall be fixed by the concurrent vote of the city council; the members of the board shall serve without compensation.

Overseers of the poor.

Organization.

SECTION 27. The mayor and aldermen shall annually in the month of January elect a superintendent of streets, who shall hold office for one year from the first Monday of February in the year in which he shall be chosen and until his successor is chosen and qualified, unless sooner removed. He shall be removable at the pleasure of the mayor and aldermen, and a vacancy may be filled at any time by the mayor and aldermen for the unexpired term. Said superintendent shall receive such compensation for his services as the mayor and aldermen shall from time to time determine, and shall devote his whole time to the service of the city. And said superintendent may appoint one or more foremen to act under his control and direction, who shall

Superintendent of streets to be elected by mayor and aldermen.

Powers and  
duties.

receive such compensation as the mayor and aldermen may from time to time determine. It shall be the duty of the superintendent of streets, under the general care and direction of the mayor and aldermen, to superintend the general state of the streets, roads, sidewalks, sewers, drains, bridges, parks, public places and squares of the city, and to attend to the making and repair of the same. Said superintendent shall perform such further duties, not inconsistent with the nature of his office, as the mayor and aldermen may prescribe. All provisions of law applicable to the collection of city, county and state taxes shall apply to the collection of assessments under this act. Said superintendent shall in general, except as otherwise herein provided, have exclusively the powers and be subject to the duties, liabilities and penalties which are by law given to or imposed upon road commissioners of towns.

Board of health  
to be elected.

SECTION 28. The city council first elected under this act shall, as soon as convenient after its organization, elect by concurrent vote 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 in 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.

Compensation.

Board of  
almoners under  
the Whiting  
Street will.

SECTION 29. The city council first elected under this act shall, as soon as convenient after its organization, elect by concurrent vote three persons, all residents of said city, who shall constitute the board of almoners of said city, under the provisions of the Whiting Street will, one of whom shall be elected to serve for three years, one for two years and one for one year from the first Monday of March then next ensuing and until their respective successors are elected and qualified; and thereafter the city council shall annually in the month of February elect in the same manner one person to serve as a member of said

board for the term of three years from the first Monday of March then next ensuing and until his or her successor shall be elected and qualified. Any vacancies occurring in said board may be filled by concurrent vote of the city council at any time. The members of said board shall serve without compensation.

Vacancies.

SECTION 30. The city council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent vote three persons, legal voters of said city, to constitute a library committee, who shall have the supervision, management and care of the public library of said city. Said committee shall be elected to serve, one for three years, one for two years and one for one year from the first Monday of March then next ensuing and until their respective successors are elected and qualified; and thereafter the city council shall annually in the month of February elect in the same manner one person, a legal voter of said city, to serve for three years from the first Monday of March then next ensuing and until his successor is elected and qualified. Said committee shall annually appoint, but not from their own number, one or more librarians, to be under the direction and control of said committee, and may for sufficient cause remove such librarians. The compensation of such librarians shall be fixed by concurrent vote of the city council. Any vacancy occurring in said committee may be filled by concurrent vote of the city council at any time. The city council may at any time remove any member of said committee. The members of said library committee shall serve without compensation.

Committee to be elected to have management of the public library.

Librarians to be appointed.

SECTION 31. Any vacancy occurring in any one of the boards established under the provisions of sections twenty-five, twenty-six, twenty-eight, twenty-nine and thirty may be filled by the city council by concurrent vote 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.

Vacancies in boards.

SECTION 32. The school committee shall consist of a board of eight persons, inhabitants of the city of Chicopee, of whom one shall be elected by ballot from each ward by the qualified voters in said ward, and one shall be the mayor. At the first election under this act there shall be so elected, a member from each of wards one and two, to serve for the term of three years, beginning with the

School committee.

first Monday of January then next ensuing; from each of wards three and four, a member to serve for the term of two years, beginning with the first Monday of January then next ensuing; and from each of wards five, six and seven, a member to serve for the term of one year, 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 for the remainder of the municipal year by the joint ballot of the city council and school committee in convention; and for the unexpired term 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. Said committee shall annually appoint one of their own number to attend the meetings of the board of aldermen and common councilmen for the purpose hereinafter mentioned. They shall annually appoint, but not one of their own number, a superintendent of schools who shall act as secretary of the board. The committee shall fix the salary of such superintendent, and may remove him for sufficient cause. All the rights and obligations of the said town of Chicopee in relation to schools and the grant and appropriation of money for the support of the 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.

Vacancies.

To serve without compensation.

To appoint a member to attend meetings of city council, and a superintendent of schools and fix his salary.

Chairman of overseers of poor and a member of the school committee entitled to seats with board of aldermen and common council.

SECTION 33. The chairman of the board of overseers of the poor and the member of the school committee appointed for that purpose, shall be respectively 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.

SECTION 34. All general laws in force in the town of Chicopee when this act shall be accepted, as herein provided, and all special laws heretofore passed with reference to the said town of Chicopee, 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 Chicopee, so far as the same are not inconsistent herewith.

General laws to continue in force.

SECTION 35. All special laws heretofore passed concerning the fire districts in the town of Chicopee, which shall be in force in said fire districts 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 Chicopee until altered, amended or repealed.

Special laws concerning fire districts to remain in force.

SECTION 36. Upon the first day of January next after the acceptance of this act, as herein provided, the fire districts in said town shall be dissolved, and their powers and privileges and duties and liabilities shall vest in and be assumed and discharged by the said city of Chicopee. The property of the said fire districts upon the first day of January next after the acceptance of this act shall vest in and become the property of the city of Chicopee: and the existing debts and legal contracts of said districts shall be assumed by the city of Chicopee upon the first day of January next after the acceptance of this act: *provided*, that each of the said districts shall, as to its creditors, continue liable to pay all its existing debts and to perform all its legal contracts.

Fire districts to be dissolved and property vested in the city.

Provido.

SECTION 37. The passage of this act shall not affect any rights 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 districts 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.

Rights not to be affected.

SECTION 38. Upon the acceptance of this act, as herein provided, the selectmen of said town shall forthwith

Selectmen to divide territory into seven wards.

Polling places to be provided, and election officers to be appointed. 1884, 299. 1889, 413.

divide the territory 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 the 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 and chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine, 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.

Selectmen to notify mayor, city clerk, etc., elect, and appoint a place for first meeting.

SECTION 39. The selectmen shall notify the persons elected mayor, city clerk and city treasurer, aldermen and common councilmen severally of their election, and shall appoint a place for the first meeting of aldermen and common council on the first Monday of 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 the national, state, district and county officers which may be held after the acceptance thereof.

Meeting for submitting question of acceptance to voters.

SECTION 40. A meeting may be called for the purposes 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 meetings the polls shall be open not

less than eight hours, and the vote 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 ninety, entitled ' An act to incorporate the city of Chicopee ', be accepted? "; and the affirmative votes of the majority of the voters present voting thereon shall be required for its acceptance. If at the 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.

SECTION 41. 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.

When to take effect.

*Approved April 18, 1890.*

AN ACT TO AUTHORIZE THE PROPRIETORS OF KING'S CHAPEL IN BOSTON TO ACQUIRE ALL TOMBS AND RIGHTS OF INTERMENT UNDER SAID CHAPEL AND TO PROHIBIT FURTHER INTERMENTS THEREIN.

*Chap. 190*

*Be it enacted, etc., as follows:*

SECTION 1. The proprietors of King's chapel in Boston may take all tombs under said chapel and all rights of interment therein, the same having been first appraised by three disinterested persons to be chosen by the wardens and vestry of said King's chapel; or said proprietors may agree with any owner or owners of said tombs or rights for the purchase of said tombs and the extinguishment of all rights of interment therein.

Proprietors may take tombs under King's chapel.

SECTION 2. Whenever the wardens and vestry shall by vote at a meeting legally called for that purpose determine to take such tombs or rights, and shall have had the same appraised as provided in section one, they shall give notice to all persons interested in such tombs, either by serving such notice upon at least one owner of each tomb or by publishing the same for three successive weeks in two newspapers at least, printed in the city of Boston, that all bodies and remains interred in tombs under said chapel, the same having become dangerous

Wardens and vestry to give notice to all persons interested.

Bodies to be removed, etc.

to public health, must be removed within sixty days after such notice or after said first publication; and in case said bodies or remains shall not have been removed within said sixty days, said wardens and vestry may, at the expense of said proprietors, cause the same to be removed and interred in some suitable place, in which case said wardens and vestry may deduct from the appraised value of the tombs and rights aforesaid so much thereof as shall be necessary to pay the reasonable expenses of such removal and of the purchase of suitable places for the interment of said bodies and remains; and the balance shall within thirty days after demand be paid over to the person or persons entitled to receive the same.

Owner of tomb aggrieved may apply to superior court by petition.

SECTION 3. Any owner of said tombs or rights who is aggrieved by the doings of said appraisers may apply by petition to the superior court for the county of Suffolk, at any term thereof within six months after the service or first publication of notice as provided in section two, and after due notice to said proprietors a trial shall be had at the bar of the court, in the same manner in which other civil causes are there tried by a jury; but in entering judgment the court shall take into account the sum, if any, to be deducted under the provisions of section two, and if either party request it, the jury shall view the place in question.

Future interments prohibited.

SECTION 4. The further use of the tombs under King's chapel for interments or the temporary deposit of the dead is hereby prohibited.

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

*Approved April 18, 1890.*

**Chap. 191**

AN ACT RELATING TO THE PAR VALUE OF SHARES OF ASSOCIATIONS FOR CHARITABLE, EDUCATIONAL AND OTHER PURPOSES.

*Be it enacted, etc., as follows:*

Amendment to P. S. 115, § 3.

SECTION 1. Section three of chapter one hundred and fifteen of the Public Statutes is hereby amended by inserting after the word "either", in the sixth line thereof, the word:— ten. — so that said section shall read as follows:—

Agreement of association; par value of shares.

Section 3. The agreement shall state that the subscribers thereto associate themselves with the intention of forming a corporation, the name of the corporation, the purpose for which it is formed, the town or city, which shall be in this Commonwealth, in which it is located, and, if it has a capital stock, the amount thereof



and the number and par value of its shares, which par value may be either ten, twenty-five, fifty, or one hundred dollars. The name shall be one not previously in use by an existing corporation, shall indicate that it is a corporation or company, and shall be changed only by act of the general court.

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

*Approved April 18, 1890.*

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

*Chap.*192

*Be it enacted, etc., as follows :*

SECTION 1. The register of probate and insolvency for the county of Middlesex shall be allowed, in addition to the amount now allowed by law, a sum not exceeding five hundred dollars per annum from and after the first day of May in the year one thousand eight hundred and ninety, for clerical assistance actually performed; to be paid from the treasury of the county of Middlesex 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 April 18, 1890.*

AN ACT TO LIMIT THE TIME WITHIN WHICH TROUT, LAND-LOCKED SALMON AND LAKE TROUT MAY BE TAKEN IN BERKSHIRE, FRANKLIN, HAMPSHIRE AND HAMPDEN COUNTIES.

*Chap.*193

*Be it enacted, etc., as follows :*

SECTION 1. Chapter one hundred and seventy-one of the acts of the year eighteen hundred and eighty-four is hereby amended by adding at the end of the first section the words: — except in the counties of Berkshire, Franklin, Hampshire and Hampden, where such time shall be between the first day of August and the first day of April, under a penalty of not less than ten and not more than twenty-five dollars for each and every violation hereof, — so that the section shall read as follows: — *Section 1.* The time within which any person is forbidden to take, sell, offer or expose for sale or to have in his possession a trout, land-locked salmon, or lake trout, by sections fifty-one and fifty-three of chapter ninety-one of the Public Statutes, shall be between the first day of September

Amendment to  
1884, 171, § 1.

Time limited  
for taking trout,  
land-locked  
salmon, etc., in  
four western  
counties.

and the first day of April, except in the counties of Berkshire, Franklin, Hampshire and Hampden, where such time shall be between the first day of August and the first day of April, under a penalty of not less than ten and not more than twenty-five dollars for each and every violation hereof.

Penalty.

Repeal of 1888, 276.

SECTION 2. Chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-eight is hereby repealed.

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

*Approved April 18, 1890.*

*Chap. 194*

AN ACT TO AUTHORIZE THE PLUM ISLAND STREET RAILWAY COMPANY TO SELL ITS PROPERTY AND FRANCHISES TO THE BLACK ROCKS AND SALISBURY BEACH STREET RAILWAY COMPANY.

*Be it enacted, etc., as follows:*

Black Rocks and Salisbury Beach Street Railway Company may purchase franchise, etc., of the Plum Island Street Railway Company.

SECTION 1. The Black Rocks and Salisbury Beach Street Railway Company is hereby authorized to purchase all the rights, franchise and property belonging to the Plum Island Street Railway Company, and said Plum Island 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 Black Rocks and Salisbury Beach 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 Plum Island 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 a majority of the directors of both said corporations, and approved by a majority in interest of the stockholders of each corporation at meetings called for that purpose.

Proviso.

May increase capital stock.

SECTION 2. For the purpose of providing means for the payment of all the debts of the Plum Island Street Railway Company and of the Black Rocks and Salisbury Beach Street Railway Company, and for purchasing the property, franchise, rights, easements, privileges, locations and powers of the Plum Island Street Railway Company, and for the extension of its tracks, purchasing real estate and equipment, the Black Rocks and Salisbury

Beach Street Railway Company is authorized to increase its capital stock from sixty-five thousand dollars to an amount not exceeding one hundred and twenty-five thousand dollars; and 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 Black Rocks and Salisbury Beach Street Railway 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 dispose of property included in such mortgage, which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, providing that an equivalent in value is substituted in lieu thereof.

May issue bonds and secure the same by mortgage.

SECTION 3. 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 4. The rate of fare shall not exceed five cents within the street limits of the city of Newburyport.

Fare within street limits.

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

*Approved April 21, 1890.*

AN ACT TO CHANGE THE NAME OF THE FLORENCE STREET METHODIST EPISCOPAL CHURCH OF SPRINGFIELD. Chap.195

*Be it enacted, etc., as follows:*

SECTION 1. The name of the Florence Street Methodist Episcopal Church of Springfield, a corporate body, is hereby changed to the Asbury First Methodist Episcopal Church of Springfield.

Name changed.

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

*Approved April 21, 1890.*

AN ACT RELATIVE TO PRESERVING ORNAMENTAL AND SHADE TREES ON THE HIGHWAYS. Chap.196

*Be it enacted, etc., as follows:*

SECTION 1. The mayor and aldermen of the cities and the selectmen of the towns within the Commonwealth are hereby authorized to designate and preserve, as herein-

Shade, etc., trees to be designated and preserved.

after provided in this act, trees within the limits of the highways for the purposes of ornament and shade; and to so designate not less than one such tree in every thirty-three feet where such trees are growing and are of a diameter of one inch or more.

Method of designation.

SECTION 2. Said mayor and aldermen and selectmen shall, between the first day of September and the thirty-first day of December in each year, designate such trees as are selected by them for the purposes set forth in this act by driving into the same, at a point not less than four nor more than six feet from the ground and on the side toward the center of the highway, a nail or spike with a head with the letter M plainly impressed upon it; said nails and spikes to be procured and furnished by the secretary of the Commonwealth to said mayor and aldermen and selectmen as required by them for the purposes of this act. Said mayor and aldermen and selectmen, between the first day of September and the thirty-first day of December of each succeeding year, shall renew such of said nails and spikes as shall have been destroyed or defaced; and shall also designate, in the same manner as hereinbefore stated, such other trees as in their judgment should be so designated to carry out the requirements of this act.

Penalties.

SECTION 3. Whoever wantonly injures, defaces or destroys any tree thus designated, or any of said nails or spikes affixed to such trees, shall forfeit not less than five nor more than one hundred dollars, to be recovered by complaint, one-half to the complainant and one-half to the use of the town wherein the offence was committed.

Proviso.  
P. S. 54.

SECTION 4. This act shall not apply to ornamental or shade trees whose preservation is now provided for by chapter fifty-four of the Public Statutes and the acts amendatory thereof.

*Approved April 21, 1890.*

**Chap. 197** AN ACT TO IMPOSE AN EXCISE TAX UPON CERTAIN ACCIDENT, FIDELITY AND GUARANTY INSURANCE COMPANIES.

*Be it enacted, etc., as follows:*

Tax to be imposed upon certain foreign insurance companies.  
1887, 214.

SECTION 1. Every corporation which is incorporated by the authority of any other state of the United States, or of any foreign country, which is subject to the provisions of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven and amendments thereto, engaged in the business of insuring against

accident to the person, acting as surety upon bonds, guaranteeing the fidelity of employees, and insuring employers against liability for accidents to employees, shall, as hereinafter provided, annually pay a tax or excise upon all premiums charged or received on contracts made in this Commonwealth for such insurance or guaranty, or received or collected by agents in this Commonwealth, at the rate of two per cent.

SECTION 2. Every corporation which by the provisions of this act is required to pay a tax shall be subject so far as applicable thereto to the provisions of sections thirty-four to thirty-seven inclusive of chapter thirteen of the Public Statutes as amended by chapter two hundred and eighty-three of the acts of the year eighteen hundred and eighty-seven.

Subject to P. S.  
13, §§ 34-37.  
1887, 283.

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

*Approved April 21, 1890.*

AN ACT TO AUTHORIZE COUNTY COMMISSIONERS TO APPOINT CLERKS  
PRO TEMPORE. Chap. 198

*Be it enacted, etc., as follows :*

SECTION 1. County commissioners, whenever their clerk is absent from any regular meeting of the board, shall appoint one of their number clerk pro tempore, who shall be sworn by the presiding commissioner, and shall also make a full record of the proceedings of the meeting and return the same forthwith to the clerk of the commissioners, who shall enter the same upon the records of the commissioners.

May appoint  
clerk pro tem-  
pore.

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

*Approved April 21, 1890.*

AN ACT RELATING TO CERTIFICATES OF CONDITION OF CORPORATIONS. Chap. 199

*Be it enacted, etc., as follows :*

SECTION 1. The certificates of condition of corporations, required by law to be filed and recorded in the office of the secretary of the Commonwealth, shall by the act of filing be deemed and taken to be recorded within the meaning of the statute requiring such record to be made. The secretary shall cause such certificates to be preserved in book form convenient for reference.

Record of cer-  
tificates of con-  
dition of cor-  
porations.

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

*Approved April 21, 1890.*

**Chap.200** AN ACT RELATING TO THE BOARD OF RAILROAD COMMISSIONERS*Be it enacted, etc., as follows :*Books, maps  
and stationery  
for the railroad  
commissioners.

SECTION 1. The board of railroad commissioners is hereby authorized to expend a sum not exceeding two thousand dollars annually in procuring necessary books, maps, statistics and stationery, and in defraying expenses incidental and necessary to the discharge of its duties. A statement of such expenditures shall accompany its annual report.

Repeal.

SECTION 2. So much of section ten of chapter one hundred and twelve of the Public Statutes as is inconsistent with this act is hereby repealed.

Provisions of  
P. S. 112, § 12,  
to apply.

SECTION 3. The provisions of section twelve of chapter one hundred and twelve of the Public Statutes shall apply to the expenses authorized by this act.

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

*Approved April 21, 1890.***Chap.201** AN ACT TO ESTABLISH THE SALARY OF THE FIRST ASSISTANT CLERK OF THE COURTS FOR THE COUNTY OF MIDDLESEX.*Be it enacted, etc., as follows :*Salary estab-  
lished.

SECTION 1. The salary of the first assistant clerk of the courts for the county of Middlesex, beginning with the first day of January in the year eighteen hundred and ninety, shall be twenty-three hundred dollars a year.

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

*Approved April 21, 1890.***Chap.202** AN ACT FURTHER PROVIDING FOR THE COMPLETION OF UNFINISHED BUSINESS BY TRIAL JUSTICES.*Be it enacted, etc., as follows :*Completion of  
unfinished busi-  
ness by trial  
justices.

Whenever the commission of a trial justice shall expire without renewal, or be terminated by resignation, change of domicile or revocation, such trial justice is hereby authorized to finish any business begun or pending before him, and to certify copies of his records and papers; or any party in any civil action begun or pending before such trial justice may enter or transfer such action for proceedings before any other trial justice for the same county, in the manner provided in case of the death of a trial justice before whom a civil action has begun or is pending.

Actions may be  
transferred.*Approved April 23, 1890.*

AN ACT AUTHORIZING THE CITY OF LYNN TO BORROW MONEY FOR  
STREET IMPROVEMENTS. *Chap. 203*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Lynn, for the purpose of laying out, establishing, constructing and improving streets or town ways or highways within the limits of said city, and for the further purpose of making or repairing sidewalks or street crossings therein, may incur indebtedness to an amount not exceeding one hundred and fifty 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 thirty 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. Of said sum of one hundred and fifty thousand dollars, fifty thousand dollars shall be used for the construction and repair of sidewalks and for no other purpose.

May become indebted, beyond the limit, for street improvements.

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

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

*Approved April 24, 1890.*

AN ACT TO FIX THE TIME OF PAYMENT OF CERTAIN FEES TO  
CITIES AND TOWNS. *Chap. 204*

*Be it enacted, etc., as follows:*

SECTION 1. Clerks of police, district and municipal courts, justices of courts having no clerks, and trial justices shall pay to cities and towns all funds received from any source which are payable to cities and towns, quarterly, at the same time settlements are now made by such officers with county treasurers.

Fees to be paid to cities and towns.

SECTION 2. So much of section thirty-five of chapter one hundred and fifty-four of the Public Statutes as is inconsistent with this act is hereby repealed.

Repeal.

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

*Approved April 24, 1890.*

*Chap.*205 AN ACT TO ESTABLISH A BOARD OF COMMISSIONERS OF SEWERS  
FOR THE CITY OF WALTHAM.

*Be it enacted, etc., as follows:*

Board of com-  
missioners of  
sewers to be  
appointed.

SECTION 1. There shall be appointed by the mayor and aldermen of the city of Waltham, as soon as may be convenient after the passage of this act, five persons, legal voters of said city, to constitute a board of commissioners of sewers, to serve for the period of one year, two years, three years, four years and five years respectively, from the first Monday of March in the year eighteen hundred and ninety and until their respective successors are appointed and qualified; and thereafter the mayor and aldermen of said city shall annually in the month of February appoint one person, a legal voter of said city, to serve as a member of said board of commissioners for the term of five years from the first Monday of March then next ensuing and until his successor is appointed and qualified. Said commissioners shall annually appoint a clerk, and may appoint, but not from their own number, a superintendent of sewers, and may remove said clerk or superintendent at their pleasure. The compensation of said clerk and superintendent shall be fixed by the board of aldermen. Any vacancy occurring in said board may be filled for the unexpired term by the mayor and aldermen. The members of said board of commissioners shall serve without compensation.

Clerk and  
superintendent.

Board to serve  
without com-  
pensation.

To have exclu-  
sive authority to  
construct sys-  
tem of sewer-  
age.

SECTION 2. Said board of commissioners shall have the exclusive authority to construct such system of sewerage, and to lay, make, maintain, keep in repair, have charge of and operate such common sewers as the board of aldermen of said city shall adopt and order to be built within said city; and may make contracts for the purposes aforesaid and if deemed advisable may construct said sewers by day labor. All contracts made for such purposes by said board of commissioners shall be the contracts of said city and shall be signed by the mayor; but no contract shall be made by said commissioners which requires an expenditure of money in excess of the unexpended balance of the amounts that have been appropriated for the use of said commissioners by the board of aldermen. In the discharge of their duties aforesaid said commissioners shall be subject to the direction and control of the board of aldermen.

To be under  
control of board  
of aldermen.



SECTION 3. Said board of commissioners acting in behalf of the city may take by purchase or otherwise, for the purposes aforesaid, any lands, rights of way or easements, public or private, of any persons or corporations, may divert streams or water-courses, may construct such sewers under or over any water-courses, and may enter and dig up any street for the purpose of laying such sewers beneath the surface thereof and of maintaining and repairing the same.

May take lands, divert streams, etc.

SECTION 4. When lands, rights of way or easements are so taken, in any other manner than by purchase or agreement, said board of commissioners shall within thirty days of said taking cause to be recorded in the registry of deeds for the county of Middlesex, southern district, a description of the same as certain as is required in a conveyance of land, with a statement of the purpose for which the same is taken, signed by a majority of said board; and the fee in the lands, rights of way or easements so taken or purchased shall vest in said city of Waltham, which shall pay all damages therefor out of the appropriation for construction of sewers. If the damages are not agreed upon, a jury in the superior court of said county may be had to determine the same in the same manner as in case of lands taken for highways; but no suit shall be brought after two years from the date of the recording of the taking as herein required.

To have recorded in registry of deeds a description of land, etc., taken.

SECTION 5. Said board of commissioners shall assess the owner of any estate situate within the territory for which a system of sewerage has been adopted and sewers constructed, and benefited by such sewers, his proportional part of the estimated cost of all the sewers therein, by a fixed uniform rate, based upon the estimated average cost of all the sewers therein according to frontage of such estate on any street or way where such sewer is constructed, or according to the area of such estate within a fixed depth from such street or way or according to both frontage and area as said board may deem advisable; and such owner shall within three months after notice of such assessment pay the sum so assessed to the treasurer of said city: *provided*, that said board of commissioners may if they deem it advisable apportion said assessment into two or three equal parts, one of said parts to be paid within the time above provided and the other part or parts upon the successive year or years, and certify such

Owners of estates benefited to be assessed.

Provido.

apportionment to said treasurer. The notice above specified may be served upon the person assessed or upon any person occupying the estate.

Assessment to be a lien upon estate.

SECTION 6. Assessments so made shall constitute a lien on such estate for two years after such assessment is made or in a case of apportionment for two years after the last part is due, and may with incidental costs and expenses be levied by sale of such estate if the assessment is not paid within three months after notice, or if apportioned within three months after each assessment is payable; such sales to be conducted and the owner of such estate having the same right to redeem the same as in case of sales for the non-payment of taxes. Such assessments may also be collected by action of contract brought at any time within six years after the same are due.

Action to be brought within six years.

Person aggrieved may apply for a jury. P. S. 51.

SECTION 7. A person aggrieved by such assessment may at any time within three months after receiving notice thereof apply for a jury to revise such assessment. Such application shall be made in like manner and the proceedings thereon shall be the same as in case of petitions for revision of betterments assessed under chapter fifty-one of the Public Statutes: *provided*, that before making his application the party shall give one month's notice in writing to said board of commissioners of his intention so to apply and shall therein particularly specify his objections to the assessment; to which specification he shall be confined upon the hearing by the jury.

Proviso.

Commissioners may prescribe rules, etc.

SECTION 8. Said board of commissioners may prescribe rules and regulations for the inspection of materials, construction, alteration or use of all drains or sewers entering into such main sewer and may impose penalties not exceeding twenty dollars for each violation of any such rule or regulation. Such rules or regulations shall be published not less than one week in the newspapers of said city of Waltham and shall not go into effect until such publication has been made.

Rules to be published.

Waltham Sewer Bonds not to exceed \$300,000.

SECTION 9. For the purpose of defraying the expenses and outlays incurred for the purposes aforesaid, or so much thereof as they shall see fit, the board of aldermen of the city of Waltham is hereby authorized to issue from time to time scrip, notes, bonds or other certificates of indebtedness, to be denominated on the face thereof Waltham Sewer Bonds, to an amount not exceeding three hundred thou-

sand dollars, and redeemable at a time not exceeding thirty years from and after the date thereof. Said indebtedness hereby authorized is to be in addition to the amount of municipal indebtedness now authorized by law.

SECTION 10. All sums of money received under the provisions of this act shall be set apart as a sinking fund for the payment of such sewer debt, and shall be considered as so much raised by the city under the provisions of chapter twenty-nine of the Public Statutes and acts in amendment thereof towards the sum therein required to be raised for a sinking fund under said chapter; or such sums may be applied by said board of aldermen to extinguish the sewer debt.

Sinking fund.  
P. S. 29.

SECTION 11. The provisions of chapter fifty of the Public Statutes applicable to sewers and drains, and not inconsistent with this act, shall apply to the city of Waltham in carrying out the provisions of this act.

Provisions of  
P. S. 50 to  
apply.

SECTION 12. This act shall take effect upon its passage.

*Approved April 24, 1890.*

AN ACT RELATING TO THE RECORD AND CERTIFICATION OF ORDERS DRAWN BY COUNTY COMMISSIONERS, TO THE VOUCHERS FOR THE SAME AND TO THE VOUCHERS FOR INCIDENTAL EXPENSES IN THE HIGHER COURTS.

*Chap. 206*

*Be it enacted, etc., as follows:*

SECTION 1. County treasurers shall pay no orders drawn by the county commissioners unless such orders are duly certified by the clerk of the commissioners; and clerks of county commissioners shall certify no orders so drawn to county treasurers until such orders are duly recorded as provided in section seven of chapter twenty-three of the Public Statutes.

Orders drawn  
on county treas-  
urer to be certi-  
fied by clerk,  
etc.  
P. S. 23, § 7.

SECTION 2. County treasurers shall pay no orders drawn and certified as provided in section one of this act unless the original bills, vouchers or evidences of county indebtedness for which payment is ordered are delivered with the order of payment, to be filed and safely kept by such treasurers, as provided in section nine of said chapter twenty-three of the Public Statutes.

Original bills  
with vouchers  
to be delivered  
with order of  
payment.  
P. S. 23, § 9.

SECTION 3. The original bills or vouchers for services and expenses incidental to the sittings of the supreme judicial and superior courts, under the provisions of sec-

Bills for ser-  
vices, etc., at  
supreme judi-  
cial and  
superior courts.

P. S. 153, § 23.

tion twenty-three of chapter one hundred and fifty-three of the Public Statutes, shall in all cases be delivered to county treasurers, or in Suffolk county to the city auditor of the city of Boston, with the orders for payment of same.

Actions pending not be affected.

SECTION 4. This act shall not affect any action pending in any court of the Commonwealth wherein the question of the proper custody or possession of the vouchers mentioned in section three of this act is in issue.

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

*Approved April 24, 1890.*

*Chap.*207

AN ACT TO AUTHORIZE THE NANTUCKET RAILROAD COMPANY TO CHANGE THE LOCATION OF ITS ROAD.

*Be it enacted, etc., as follows:*

May change location of road.

SECTION 1. The Nantucket Railroad Company is hereby authorized to change the present location of its road on the southerly side of Nantucket island, between the southerly end of Weweeder valley, so called, and Low beach, so called, near the village of Siasconset, for a distance of about twenty-one thousand feet; so that in lieu of its present location on the southerly side of said island it may locate and construct its road as follows: Commencing on its present location at the northerly end of Weweeder valley on the northerly side of Weweeder avenue; thence easterly with a curve of four degrees, about two thousand feet; then south seventy-four degrees east, about nine thousand feet, passing at the northerly side of three lots of land owned by J. S. Barney, A. T. Mowrey and a lot known as the Hinckly lot; thence southerly on a curve of one degree, about two thousand feet; thence south sixty-seven degrees east, about eight thousand feet to Low beach near the village of Siasconset; and said company is hereby authorized to take land not exceeding five rods in width on the above described line for said railroad location.

Change to be completed July 1, 1891.

SECTION 2. The change in said location and the construction of the said railroad shall be completed on or before July first in the year eighteen hundred and ninety-one or this act shall become void.

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

*Approved April 24, 1890.*

AN ACT TO AUTHORIZE THE TOWN OF MANSFIELD TO MAKE A LOAN FOR THE PURPOSE OF PAYING ITS EXISTING INDEBTEDNESS AND BUILDING A SCHOOL-HOUSE AND IMPROVING THE STREETS, SIDEWALKS AND BRIDGES IN SAID TOWN. Chap. 208

*Be it enacted, etc., as follows:*

SECTION 1. The town of Mansfield, for the purpose of paying or funding its existing indebtedness, building a school-house and improving the streets, sidewalks and bridges in said town, may, by a vote passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes, authorize its treasurer to issue from time to time, when directed by the selectmen of said town, negotiable bonds or certificates of indebtedness, to an amount not exceeding forty thousand dollars, payable in not exceeding thirty years from their date, and bearing interest at a rate not exceeding four per centum per annum, to be denominated on the face thereof Mansfield Improvement Loan. Said bonds or certificates shall not be valid unless signed by the treasurer and countersigned by a majority at least of the board of selectmen of said town.

Mansfield Improvement Loan not to exceed \$40,000. P. S. 29, § 7.

Bonds, etc., to be signed by treasurer, etc.

SECTION 2. The provisions of 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.

May provide for payment of debt, in annual proportionate payments. P. S. 11, § 34. P. S. 29.

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.

Returns to state amount of sinking fund, etc., established. P. S. 11, § 91.

May sell bonds or pledge the same for money borrowed.

SECTION 4. Said treasurer shall under the direction of the selectmen sell said bonds or certificates, or any part thereof, from time to time at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as the selectmen may deem proper: *provided*, that such securities shall not be sold or pledged at less than the par value thereof.

Proviso.

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

*Approved April 24, 1890.*

*Chap. 209* AN ACT RELATING TO CLERKS' FEES IN THE SUPREME JUDICIAL AND SUPERIOR COURTS.

*Be it enacted, etc., as follows:*

County treasurers to pay no fees to clerks of courts.

SECTION 1. County treasurers shall pay no fees to clerks of courts for any official service whatever.

Entry fee to be taxed against defendant where county, etc., is real complainant. 1888, 257, § 3.

SECTION 2. In all cases, civil or criminal, in the supreme judicial court or in the superior court, where the Commonwealth or a county is the real plaintiff or complainant, the entry fee provided in section three of chapter two hundred fifty-seven of the acts of the year eighteen hundred eighty-eight shall be taxed against defendants and respondents; but in no case, except in prosecutions under city or town by-laws and ordinances, shall such entry fee be certified for payment to county treasurers or be paid by them. At the termination of a prosecution under such by-laws or ordinances, except those of the city of Boston, the clerks shall certify to county treasurers a schedule of the amount of fees taxed in each case, and the treasurers shall forthwith collect the same from the proper city or town.

Taxation and collection of fees for prosecution under by-laws, etc.

Payment of monthly instalment of salary, regulated.

SECTION 3. No monthly instalment of the salary of clerks of courts shall be paid until all fees payable to the counties at the time such instalment of salary becomes due are paid over by such clerks to the county treasurers or other officers entitled to receive the same.

Not to affect any suit pending.

SECTION 4. This act shall not affect any suit pending in any court of the Commonwealth.

Repeal.

SECTION 5. All acts and parts of acts inconsistent with this act are hereby repealed.

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

*Approved April 24, 1890.*

## AN ACT RELATING TO UNDERTAKERS IN THE CITY OF BOSTON.

Chap.210

*Be it enacted, etc., as follows :*

SECTION 1. The board of health of the city of Boston shall in each year license for a term of one year, beginning with the first day of May, a suitable number of undertakers to take charge of the funeral rites preliminary to the interment of a human body, and may establish reasonable regulations for the government of said undertakers and for the fees to be paid for their services ; and no person shall engage in the business of an undertaker except persons so licensed.

Undertakers in Boston to be licensed by the board of health.

SECTION 2. Any person not licensed as above provided who engages in the business of an undertaker, or who, being so licensed, violates any of the regulations established by said board of health as hereinbefore provided shall, on conviction thereof, be punished by a fine not exceeding fifty dollars for each offence.

Penalty.

*Approved April 24, 1890.*

## AN ACT TO PROVIDE FOR THE DISPOSAL OF THE SEWAGE FROM THE REFORMATORY PRISON FOR WOMEN.

Chap.211

*Be it enacted, etc., as follows :*

SECTION 1. The commissioners of prisons are hereby authorized and required to dispose of the sewage from the reformatory prison for women by connecting the drains of said prison with the sewerage system of the town of Framingham. The commissioners are also required, when the drains are connected as herein provided, to discontinue the method now in use for disposing of the sewage from said prison.

Disposition of sewage from the reformatory prison for women.

SECTION 2. The commissioners may expend such a sum not exceeding five thousand dollars as may be necessary to carry out the purposes of this act.

Expense not to exceed \$5,000.

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

*Approved April 24, 1890.*

## AN ACT TO INCORPORATE THE SECURITY SAFE DEPOSIT AND TRUST COMPANY IN THE CITY OF LYNN.

Chap.212

*Be it enacted, etc., as follows :*

SECTION 1. Benjamin F. Spinney, David J. Lord, Luther S. Johnson, Samuel J. Hollis, James S. Newhall, N. Everett Silsbee, Martin H. Hood, George J. Carr,

Security Safe Deposit and Trust Company, incorporated.

To be located  
in city of Lynn.

William F. Morgan and Joseph N. Smith, their associates and successors, are hereby made a corporation by the name of the Security Safe Deposit and Trust Company, to be located in the city of Lynn, with authority to establish and maintain a safe deposit and trust company; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which are now or may hereafter be in force relating to such corporations.

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

*Approved April 26, 1890.*

**Chap. 213** AN ACT TO ESTABLISH THE SALARIES OF THE MEDICAL EXAMINERS FOR THE COUNTY OF SUFFOLK.

*Be it enacted, etc., as follows:*

Salaries estab-  
lished.

SECTION 1. In the county of Suffolk each medical examiner shall receive from the treasurer of the county, in full for all services performed by him, a salary of four thousand dollars a year from and after the first day of January in the year eighteen hundred and ninety.

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

*Approved April 26, 1890.*

**Chap. 214** AN ACT TO INCORPORATE THE WOMAN'S BOARD FOR FOREIGN MISSIONS OF THE AMERICAN CHRISTIAN CONVENTION.

*Be it enacted, etc., as follows:*

Woman's  
Board for  
Foreign Mis-  
sions of the  
American  
Christian Con-  
vention, incor-  
porated.

SECTION 1. Achsah E. Weston, Ellen G. Gustin, Mary J. Batchelor, Anne E. Batchelor, Emily K. Bishop, Elizabeth D. Barry, H. Lizzie Haley, Emily Coe, Annie E. Lewis, Mary H. B. Couse, Clara E. Rowell, Florence E. Howard, Jennie Garland, Lizze J. Barney, M. Emma Godley, Edith D. Cate, Kate M. Judy, Rebecca Kershner, Jeannie M. Jones, Oriella K. Hess, Maude Schenk, Emma Rasmussen, Mattie P. Jackson, Nancy Slack, Linda N. Harcourt and Sarah E. Shaw, their associates and successors, are hereby constituted a body corporate under the name of the Woman's Board for Foreign Missions of the American Christian Convention; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations so far as the same may be applicable.



SECTION 2. The object and purpose of this corporation shall be to collect, receive and hold moneys given by voluntary contributions, donations, bequests or otherwise; and the same shall be exclusively expended in promoting the cause of foreign missions in connection with said American Christian Convention

Object and purpose.

SECTION 3. Said corporation is hereby authorized to hold real and personal estate to an amount not exceeding twenty-five thousand dollars, to be devoted exclusively to the purposes and objects hereinbefore set forth.

Real and personal estate to exceed \$25,000.

SECTION 4. Said corporation is hereby authorized to hold its meetings in any state or territory of the United States or in the District of Columbia, and in the Dominion of Canada.

Meetings of corporation.

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

*Approved April 26, 1890.*

AN ACT RELATING TO DEPOSITS OF FUNDS BY CERTAIN PUBLIC OFFICERS. *Chap.215*

*Be it enacted, etc., as follows:*

SECTION 1. Clerks of courts, including clerks of police, district and municipal courts, justices of courts having no clerks, sheriffs, masters of jails and houses of correction, having cash funds in their hands as such officers, beyond what is required for immediate use, shall make deposit thereof as trustees in some national bank located in the county in which said officers serve. If there is no national bank in said county, then such deposit shall be made in some national bank located in an adjoining county.

Funds of certain public officers to be deposited in national banks.

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

*Approved April 26, 1890.*

AN ACT RELATING TO ACCOUNTS AND RETURNS OF CERTAIN PUBLIC OFFICERS. *Chap.216*

*Be it enacted, etc., as follows:*

SECTION 1. Section five of chapter four hundred thirty-eight of the acts of the year eighteen hundred eighty-seven is hereby amended so that hereafter the payments made thereunder by the clerks of the municipal court of the city of Boston shall be made on or before the tenth day of each month and shall include the balances due and payable at the end of the next preceding month; and so that

Accounts and returns of certain public officers. 1887, 428, § 5.

the payments made by the other officers specified in said section shall be made on or before the tenth day of the months of January, April, July and October, said payments to include the balances due and payable at the end of the quarter next preceding the day of payment.

Penalty for neglecting to record in cash book. 1887, 438, §§ 3, 5, 6.

SECTION 2. The several officers and persons named in section three of said chapter four hundred thirty-eight of the acts of the year eighteen hundred eighty-seven who shall neglect or refuse to comply with the requirements of section six of said act, and of section five of said act as amended in section one of this act, or who for a period of more than ten consecutive days shall neglect or refuse to record or cause to be recorded in the cash book prescribed by the controller of county accounts an accurate classification of all moneys received and expended or paid out by them in their official capacity, or by reason or on account of the same, shall be deemed guilty of a misdemeanor and shall be punished therefor by a fine of a sum not exceeding one hundred dollars for each offence.

*Approved April 26, 1890.*

**Chap.217** AN ACT TO AMEND THE CHARTER OF THE CITY OF SOMERVILLE RELATING TO ITS WATER BOARD.

*Be it enacted, etc., as follows:*

Charter amended.

SECTION 1. The mayor of the city of Somerville, as soon after the organization of the city council elected at the next annual municipal election as may be convenient, shall appoint a water board of three persons, who shall respectively hold their offices, one for the term of three years, one for the term of two years and one for the term of one year from the first Monday of January in the year eighteen hundred and ninety-one, and until others shall be appointed and qualified in their stead; and thereafter the mayor of said city shall annually, as soon after the organization of the city council of said city as may be convenient, appoint a person in place of the member of said board whose term shall have expired; the person so appointed to hold his office for the term of three years from and after the first Monday of January in the year in which such appointment shall be made, and until another shall be elected and qualified in his stead. Vacancies occurring in the said board may be filled by appointment by the mayor of said city at any time, the member so appointed to hold office only for the unexpired term of the

Water board to be appointed.

Vacancies.

member who has ceased to hold office. The mayor of said city may whenever in his opinion the public good may require remove any of the members of said board. May be removed from office by mayor.

SECTION 2. All appointments or removals of members of said board shall be subject to confirmation by the board of aldermen of said city. Subject to confirmation by aldermen.

SECTION 3. The persons appointed as aforesaid shall constitute the Somerville Mystic water board, and they shall have all the powers and rights conferred on the Somerville Mystic water board, as thereby constituted, by section sixteen of chapter one hundred eighty-two of the acts of the year eighteen hundred and seventy-one, entitled an act to establish the city of Somerville, or by or under other existing provisions of law. Somerville Mystic Water Board, 1871, 182, § 16.

SECTION 4. The persons who at the time of this act taking effect shall constitute the Somerville Mystic water board shall continue to hold their offices as members of said board, and to exercise the powers and perform the duties thereof, until the members of the Somerville Mystic water board contemplated by this act shall have been appointed and qualified as hereinbefore provided. Old board to hold office until new board is appointed and qualified.

SECTION 5. Section sixteen of chapter one hundred eighty-two of the acts of the year eighteen hundred and seventy-one is hereby repealed: *provided, however*, that the repeal of said act shall not affect any act done or any right accruing or accrued or established or any proceeding had or commenced before the time when this act shall take effect. Repeal of 1871, 182, § 16.

SECTION 6. This act shall be submitted to the qualified voters of the city of Somerville for acceptance at the next annual municipal election held therein, and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. Subject to affirmative vote of the voters.

SECTION 7. So much of this act as authorizes the submission of the question of its acceptance to the voters of said city shall take effect upon its passage, but it shall not further take effect unless accepted by the voters of said city as herein provided. *Approved April 26, 1890.* When to take effect.

AN ACT TO FIX THE TIME OF PAYMENT OF CERTAIN FINES AND FORFEITURES BY SHERIFFS. Chap. 218

*Be it enacted, etc., as follows:*

SECTION 1. Section nine of chapter two hundred and seventeen of the Public Statutes is hereby amended by Amendment to P. S. 217, § 9.

striking out in the seventh and eighth lines the words “within one month after the receipt thereof”, and inserting the words:—within ten days after the final adjournment of the sitting of the court,—and by adding to the end of said section the following words:—and render to said treasurer, or in Suffolk county to the collector, an account on oath of all sums which he has received since the next preceding sitting of the court, for fines, forfeitures, forfeited recognizances and costs, and the names of the persons from whom received and against whom awarded; and if a sheriff neglects for thirty days to render such account he shall be liable to a penalty of two hundred dollars, to be sued for and recovered of him in the same manner as is provided in section eleven,—so that said section as amended shall read as follows:—

Fines, costs, etc., to be certified by clerks of courts to the sheriff.

*Section 9.* All fines, forfeitures and costs imposed or awarded in criminal prosecutions by the supreme judicial court or superior court to the use of the Commonwealth, or any county, or the city of Boston, and all sums found to be due on forfeited recognizances, shall be certified by the clerks of said courts, under the direction of the courts, to the sheriff of the county, who alone, except as hereinafter provided, shall be authorized to receive them, and who shall, within ten days after the final adjournment of the sitting of the court, pay the same without deduction to the county treasurer; and render to said treasurer, or in Suffolk county to the collector, an account on oath of all sums which he has received since the next preceding sitting of the court, for fines, forfeitures, forfeited recognizances and costs, and the names of the persons from whom received and against whom awarded; and if a sheriff neglects for thirty days to render such account he shall be liable to a penalty of two hundred dollars, to be sued for and recovered of him in the same manner as is provided in section eleven.

Amendment to P. S. 217, § 8.

SECTION 2. Section eight of said chapter is hereby amended in the seventh line by inserting after the word “fines” the words:—and costs,—so that the last sentence of said section as amended shall read as follows:—The clerks shall make and deliver to the treasurers of the respective counties, cities, or towns, at the end of every term or as soon thereafter as may be, copies of all bills of costs which have been taxed and allowed, and certificates of all fines and costs imposed by the respective

Clerks to certify to county treasurers copies of bills of costs, etc.

courts, to the use of the Commonwealth, county, city, or town.

SECTION 3. Section thirteen of said chapter is hereby repealed. Repeal.

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

*Approved April 26, 1890.*

AN ACT TO AMEND AN ACT RELATIVE TO THE APPOINTMENT OF  
ELECTION OFFICERS. Chap.219

*Be it enacted, etc., as follows:*

Section seven of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four is hereby amended by inserting in the twelfth line thereof, after the word "appointment" the words:—*provided, however,* that not more than two of such election officers may be appointed from qualified voters not representing either of such two political parties, but without disturbing the equal representation of such two parties,—so that the first sentence of said section as hereby amended and as amended by section twenty of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine shall read as follows:—*Section 7.* In each voting precinct there shall be the following election officers, that is to say:—The mayor at some time between the first and the twentieth day of September in each year shall, with the approval of the board of aldermen, appoint for each voting precinct one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, qualified voters in the ward of which such precinct forms a part, men of good repute and standing, who shall equally represent each of the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment: *provided, however,* that not more than two of such election officers may be appointed from qualified voters not representing either of such two political parties, but without disturbing the equal representation of such two parties.

1884, 299, § 7,  
amended.  
1889, 413, § 20.

Appointment of  
election officers.

*Approved April 26, 1890.*

AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO MAKE AN  
ADDITIONAL WATER LOAN. Chap.220

*Be it enacted, etc., as follows:*

SECTION 1. The town of Melrose, for the purpose of paying off and discharging water fund bonds to the

Melrose Water  
Loan, Act of  
1890.

amount of fifty thousand dollars, maturing July first, eighteen hundred and ninety, heretofore issued by said town under authority of chapter one hundred and sixty of the acts of the year one thousand eight hundred and seventy, may issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars. Such bonds, notes and scrip shall bear on their face the words, Melrose Water Loan, Act of 1890; shall be payable at the expiration of periods not exceeding twenty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and be countersigned by the water commissioners of the town. The said town may sell such securities at public or private sale, but none of said bonds, notes or scrip shall be issued or sold except in compliance with a vote of the town.

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

*Approved April 26, 1890.*

**Chap. 221** AN ACT TO INCORPORATE THE BRADFORD LIBRARY ASSOCIATION.

*Be it enacted, etc., as follows:*

SECTION 1. William Cogswell, Olive R. Haseltine, James H. Durgin, Samuel W. Hopkinson, Martha De M. Gage, Charles L. Bly, Francis H. Pearl, Mary E. Webster, M. Louise Kimball, Francis W. Anthony, Orestes West, Nellie G. Kimball, Arthur B. Gilman, Charles E. Wood and Joseph H. Pearl, their associates and successors, are hereby made a corporation by the name of the Bradford Library Association, for the formation and maintenance of a library, with or without a reading room, in the town of Bradford; with all the powers and privileges and subject to all the duties and liabilities set forth in the general laws which now are or hereafter may be in force and applicable to such a corporation.

SECTION 2. Said corporation may purchase or take as devisee and hold real and personal estate to the amount of one hundred thousand dollars for the purposes aforesaid, besides such property as it may have or acquire in books and objects of curiosity and art.

SECTION 3. Said corporation shall consist of at least thirty and not more than fifty members, residents within the present territorial limits of the town of Bradford, to be elected by the corporation by ballot, together with the

Amount not to exceed \$50,000.

Bradford Library Association, incorporated.

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

Members of the corporation.

selectmen and school committee of said town for the time being, who shall be members of the corporation ex officio.

SECTION 4. The management and control of the property of said corporation, subject to its by-laws, shall be vested in a board of nine trustees who shall be elected by said corporation from its members by ballot. At the first election three of said trustees shall be elected for one year, three for two years and three for three years, and thereafter said trustees shall be elected for three years, one-third thereof to be elected annually; except that members of the corporation ex officio shall be trustees only for the terms of their respective offices. Whenever a vacancy occurs in said board of trustees said corporation shall fill the same for the unexpired term. Said trustees shall choose from their number a president, a clerk and a treasurer, who shall also serve as the like officers of the corporation, and shall hold their positions for the term of one year or until their successors are chosen and qualified. In the choice of members of the corporation and the board of trustees, or the before named officers, no distinction shall be made on account of sex.

Property to be vested in a board of nine trustees.

Vacancies.

No distinction to be made on account of sex.

SECTION 5. Said trustees may, subject to the approval of the corporation, make such by-laws and regulations for the management of the property and for the use of the library and anything connected therewith as they may deem best for carrying out the purposes thereof.

Trustees may make regulations.

SECTION 6. Said corporation may receive and hold, for the purposes aforesaid, any grants, donations or bequests, under such conditions and rules as may be prescribed in such grants, donations and bequests: *provided*, that the same are not inconsistent with the provisions of law or with anything contained in this act. Said corporation may make such by-laws for its government as it may see fit.

Corporation may receive grants and bequests.

Proviso.

SECTION 7. Said corporation shall allow the inhabitants of the town of Bradford the free use of said library and any reading room connected therewith under reasonable regulations; and the said trustees may grant the privilege of any reading room to, and permit the use of the library by, persons not inhabitants of the said town under such restrictions as said trustees may deem proper. And the said corporation shall hold all property received by it, in trust, for the benefit of the said inhabitants for the purposes set forth in this act or any amendment

Inhabitants of town to have free use of library, etc.

thereof, unless some contrary provision is attached to a grant, donation or bequest to it.

Town of Bradford may appropriate money towards paying expense, etc.

SECTION 8. The said town of Bradford may appropriate money and pay the same annually or more frequently to said corporation towards defraying the expense of maintaining and increasing said library, including the salary of a librarian and of any necessary assistants, and towards the expense of the care of said library or any library building which may be provided therefor, and for the purchase of land and the erection thereon of any such building, or for any purpose for carrying out the provisions of this act or any amendment thereof; and the said town or its successors may also pay over to said corporation for the use of the library any money by law applicable to the use of a town library, or any portion thereof. The town of Bradford is hereby authorized to transfer to said corporation all or any funds which said town may now hold, or may hereafter receive for the uses set forth in this act or any amendment thereof, to be received and applied by said corporation in like manner as if held by said town.

SECTION 9. This act shall take effect upon its passage.

*Approved April 26, 1890.*

*Chap. 222* AN ACT RELATIVE TO THE FORFEITURE OF CORPORATE MEMBERSHIP IN SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

*Be it enacted, etc., as follows:*

Amendment to 1885, 120.

Forfeiture of membership in savings banks.

SECTION 1. Chapter one hundred and twenty of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out the word "shall" after the words "his membership", in the second sentence of said chapter, and inserting in place thereof the word: — may, — so that the chapter as amended shall read as follows: — Every such corporation may, at a legal meeting, elect by ballot any citizen of this Commonwealth to be a member thereof; and any person may, at an annual meeting, cease to be a member, if he has filed with the treasurer a written notice of his intention so to do three months at least before such meeting. If a member fails to attend two consecutive annual meetings his membership may be declared forfeited by vote of the corporation at its next annual meeting: *provided, however,* that the member shall be notified of such proposed vote by letter



duly addressed to his last and usual place of abode and mailed at least three months prior to such annual meeting. Such action and vote recorded shall be considered evidence of forfeiture of membership. No person shall continue to be a member after removing from the Commonwealth.

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

*Approved April 26, 1890.*

AN ACT TO PROVIDE FOR RETURNS AND PUBLICATION OF THE NUMBER OF ASSESSED POLLS, REGISTERED VOTERS AND BALLOTS CAST AT CITY, TOWN AND STATE ELECTIONS.

*Chap. 223*

*Be it enacted, etc., as follows :*

SECTION 1. At the close of each registration of voters the registrars of voters of each city and town shall forthwith certify to the secretary of the Commonwealth the number of assessed polls and the number of registered voters in each voting precinct or in each town not divided into voting precincts.

Registrars to certify to secretary of the Commonwealth number of assessed polls and registered voters.

SECTION 2. City and town clerks shall certify to the secretary of the Commonwealth within fifteen days after the day of an election for city, town or state officers the total number of ballots cast in each town or voting precinct at such elections.

Clerks to certify within fifteen days number of ballots cast in each town or voting precinct.

SECTION 3. The secretary of the Commonwealth shall report to the legislature, on or before the first day of February of each year, the number of assessed polls, the number of registered voters at the date of the last preceding city, town and state elections, and the total number of ballots cast at such elections in each city, town or voting precinct. Said report shall be one of the series of public documents, and fifteen hundred copies shall be printed annually.

Secretary to report to the legislature.

To be a public document.

*Approved April 26, 1890.*

AN ACT CONCERNING APPEAL BONDS IN ACTIONS OF REPLEVIN.

*Chap. 224*

*Be it enacted, etc., as follows :*

SECTION 1. When an appeal is claimed by a plaintiff in a replevin suit from any judgment of a municipal, district or police court, or trial justice, no bond, recognizance or deposit shall be required for the allowance of such appeal.

Appeal in actions of replevin.

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

*Approved April 26, 1890.*

**Chap.225** AN ACT TO PROVIDE FURTHER WITH REGARD TO THE ISSUE OF A SUMMONS IN MINOR CRIMINAL PROSECUTIONS.

*Be it enacted, etc., as follows :*

P. S. 212, § 16, amended.

Summons to issue instead of warrant of arrest.

Section sixteen of chapter two hundred and twelve of the Public Statutes is hereby amended so as to read as follows :— *Section 16.* Upon a complaint for a criminal offence within the jurisdiction of trial justices a summons shall issue instead of a warrant for arrest, unless in the judgment of the court or magistrate receiving the complaint there is reason to believe that the accused will not appear upon a summons. *Approved April 26, 1890.*

**Chap.226** AN ACT TO AUTHORIZE THE CITY OF GLOUCESTER TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

*Be it enacted, etc., as follows :*

May construct and maintain a system of sewerage, etc.

SECTION 1. The city of Gloucester 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, 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 Gloucester necessary for the establishment of such a 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 expense of constructing, etc. P. S. 50.

Proportion of cost the city may pay.

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 not pay less than one-third nor more than one-half of the whole cost.

A description of land, etc., taken, to be recorded in registry of deeds.

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.

Damages.

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 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. Said city shall in respect to all work and structures in tide-water below high water mark be subject to the provisions of chapter nineteen of the Public Statutes and of any other laws which are or may be in force applicable thereto.

May carry sewers under streets, ways, wharves, etc. P. S. 19.

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 one offered, not including interest on the sum recovered in damages from the date of the offer, the city shall be entitled to recover its costs after said date, and the complainant if he recovers damages shall be allowed costs only to the date of the offer.

City may offer that a specified sum may be awarded.

SECTION 8. Whenever the city council of said city votes to construct a system of sewerage under this act, and elects such persons or committee as are 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

Construction committee to be elected to contract for construction of system, etc.

committee shall exercise all 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 exercise all the rights, powers and authority granted to said city relative to the duties appertaining thereto.

Gloucester Sewer Loan, Act of 1890, — not to exceed \$400,000.

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 four 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, Gloucester Sewer Loan, Act of 1890; shall be payable at the expiration of periods not exceeding forty years from the date of issue, and shall bear interest payable semi-annually at a rate not exceeding six per centum 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.

Provisions of P. S. 29, 1884, 129, to apply to issue of bonds and sinking fund.

Subject to acceptance by a majority vote.

SECTION 10. This act shall be submitted to the qualified voters of the city of Gloucester for its acceptance, and shall not take effect unless a majority of such voters present and voting in their respective wards, at a legal meeting, shall within ninety days from its passage determine by a majority of ballots to adopt the same.

*Approved April 26, 1890.*

### Chap. 227

AN ACT IN RELATION TO THE RECORDS OF CHURCHES OR RELIGIOUS SOCIETIES WHICH HAVE CEASED TO HAVE A LEGAL EXISTENCE.

*Be it enacted, etc., as follows:*

Amendment to P. S. 37, § 15.

Section fifteen of chapter thirty-seven of the Public Statutes is hereby amended by adding at the end thereof the following: — If the person having possession of such records or registries neglects to deliver them to the clerk of the city or town entitled to receive them as aforesaid, such clerk shall demand the same, — so that as amended the section shall read: — *Section 15.* When a church or religious society ceases to have a legal existence, and the care of its records and registries is not otherwise provided for by law, the person having possession of such records

Records of certain churches or religious societies.

or registries shall deliver them to the clerk of the city or town in which such church or society was situated, and such clerk may certify copies thereof. If the person having possession of such records or registries neglects to deliver them to the clerk of the city or town entitled to receive them as aforesaid, such clerk shall demand the same.

*Approved April 26, 1890.*

AN ACT TO INCORPORATE THE TITLE FORGERIES PREVENTION COMPANY. *Chap. 228*

*Be it enacted, etc., as follows :*

SECTION 1. Samuel C. Cobb, Charles U. Cotting, Moses Williams, Francis V. Balch, Frederick C. Bowditch, Arnold A. Rand, Grenville H. Norcross, James R. Carret and Alexander S. Porter, their associates and successors, are hereby made a corporation by the name of the Title Forgeries Prevention Company, for the purpose of preventing forgeries and frauds affecting the security of real estate titles in this Commonwealth, and for furthering the discovery and punishment of persons guilty of such offences : with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in chapter one hundred and fifteen of the Public Statutes and acts amendatory thereof, which now are or may hereafter be in force, so far as the same may be applicable to this corporation.

Title Forgeries Prevention Company, incorporated. P. S. 115.

SECTION 2. Said corporation shall be located in the city of Boston, and for the purposes aforesaid may hold personal estate to an amount not exceeding ten thousand dollars.

Personal estate not to exceed \$10,000.

*Approved April 26, 1890.*

AN ACT TO PROHIBIT THE USE OF SET NETS AND GILL NETS WITHIN ONE-HALF MILE OF THE SHORES OF THE TOWN OF MATTAPOISETT. *Chap. 229*

*Be it enacted, etc., as follows :*

SECTION 1. Section four of chapter one hundred and ninety-two of the acts of the year eighteen hundred and eighty-six, as amended by section one of chapter one hundred and ninety-seven of the acts of the year eighteen hundred and eighty-seven, is hereby further amended by striking out all after the word "Fairhaven", in the twelfth line of said section, so as to read as follows : — *Section 4.* Nothing contained in this act shall be construed to interfere with the corporate rights of any fishing company located

1886, 192, § 4, amended. 1887, 197, § 1.

Not to interfere with corporate rights, fish wells, etc. P. S. 91, § 70.

Not to affect  
use of nets or  
seines.

on said bay, nor to in any way affect the fish weirs mentioned in section seventy of chapter ninety-one of the Public Statutes, nor to the use of nets or seines in lawful fisheries for shad or alewives in influent streams of said bay, nor to the use of set nets or gill nets in the waters of the town of Fairhaven within a line drawn from Cormorant rock southwesterly to the buoy on West island rips and from thence westerly in a straight course through the buoy on West island ledge to the town line of Fairhaven.

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

*Approved April 26, 1890.*

**Chap.230** AN ACT TO PROVIDE FOR LICENSING PERSONS TO KEEP MORE THAN FOUR HORSES IN CERTAIN BUILDINGS OR PLACES.

*Be it enacted, etc., as follows:*

Stables to keep  
more than four  
horses may be  
licensed.  
P. S. 102, § 39.

Section thirty-nine of chapter one hundred and two of the Public Statutes is hereby amended so that the same shall read as follows:— *Section 39.* The mayor and aldermen of any city except Boston, the police commissioners of Boston, and the selectmen of any town, may license suitable persons to keep more than four horses in certain specified buildings or places within their respective cities and towns, and may revoke such license at pleasure. Whoever, not being licensed as aforesaid, occupies or uses any building or place for a stable for more than four horses, shall forfeit a sum not exceeding fifty dollars for every month he so occupies or uses such building or place, and in like proportion for a longer or shorter time. And the supreme judicial court, or a justice thereof, in term time or vacation, may issue an injunction to prevent such occupancy or use without such license.

Penalty.

S. J. C. may  
issue injunction.

*Approved April 26, 1890.*

**Chap.231** AN ACT RELATIVE TO FISHING IN UNNAVIGABLE TIDAL STREAMS.

*Be it enacted, etc., as follows:*

Amendment to  
P. S. 91, § 31.

Section thirty-one of chapter ninety-one of the Public Statutes is hereby amended by striking out the words "The owner of an unavigable tidal stream where the same empties into salt water, and", in the first and second lines, and inserting in place thereof the words:— The riparian proprietor on an unavigable tidal stream, whether the waters of the same are enclosed or not,—

and is hereby further amended by striking out the word "also", in the fourth line of said section, and inserting in place thereof the words:—a riparian proprietor at the mouth of such stream shall also have control of the fishing thereof,—and by adding after the word "premises", in the fourth line of said section, the words:—and opposite thereto to the middle of the stream,—so that said section shall read as follows:—*Section 31.* The riparian proprietor on an unnavigable tidal stream, whether the waters of the same are enclosed or not, in which fishes are lawfully cultivated or maintained, shall have the control of the fishery thereof within his own premises and opposite thereto to the middle of the stream, and a riparian proprietor at the mouth of such stream shall also have control of the fishing thereof beyond and around the mouth of the stream so far as the tide ebbs, provided it does not ebb more than eighty rods; and whoever fishes within these limits without permission of such owner shall forfeit not less than one dollar nor more than twenty dollars for the first offence, and not less than five nor more than fifty dollars for any subsequent offence; and shall in addition forfeit any boat and apparatus used in such illegal fishing.

Riparian proprietor to have control of fishery.

*Approved April 26, 1890.*

AN ACT TO ENABLE THE CITY OF FITCHBURG TO INCUR INDEBTEDNESS FOR THE PURPOSE OF CHANGING AND FURTHER EXTENDING ITS WATER PIPES.

*Chap. 232*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Fitchburg, for the purpose of replacing its cement lined water pipes with iron water pipes, and for the further extension of its water pipes, may incur indebtedness to an amount not exceeding one hundred thousand dollars in addition to the amount heretofore authorized by law to be expended for water purposes; and may from time to time issue bonds, notes or scrip therefor, to be denominated Fitchburg Water Bonds, payable in periods not exceeding twenty years from the date of issue and bearing a rate of interest, payable semi-annually, 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

May incur additional indebtedness for replacing, etc., its water pipes.  
P. S. 29.  
1884, 129.

scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

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

*Approved April 26, 1890.*

**Chap. 233** AN ACT TO AUTHORIZE THE TOWN OF READING TO MAKE AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

May make an additional water loan.

SECTION 1. The town of Reading, for the purposes mentioned in section six of chapter four hundred and five of the acts of the year eighteen hundred and eighty-nine, may issue bonds, notes or scrip, to be denominated on the face thereof Reading 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 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 Reading 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 fifty thousand dollars.

Not to exceed in the whole \$150,000.

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

*Approved April 26, 1890.*

**Chap. 234** AN ACT TO AUTHORIZE THE CITY OF NEWTON TO SUPPLY THE TOWN OF NEEDHAM WITH WATER.

*Be it enacted, etc., as follows:*

City of Newton may furnish Needham with a supply of water.

SECTION 1. The city of Newton is hereby authorized to furnish from its water supply to the town of Needham, or to any portion thereof, a supply of water for the use of said town of Needham and its inhabitants, for the extinguishment of fires and for domestic purposes; and may contract with said town of Needham for such supply of water on such terms as may be agreed upon between said city and said town.

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

*Approved April 26, 1890.*



AN ACT TO AUTHORIZE THE TOWN OF SANDSFIELD TO PAY A CERTAIN BOUNTY. *Chap.235*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Sandisfield is hereby authorized to raise by taxation a sum of money not exceeding one hundred and twenty-five dollars, and to appropriate the same to the payment of a bounty to Levi J. Richardson: *provided*, that said town shall not be reimbursed by the Commonwealth for any money paid under the authority of this act.

May pay a bounty to Levi J. Richardson.

SECTION 2. If said Levi J. Richardson has died, or shall die before he receives his bounty, it shall be paid to his widow; or if he leaves no widow it shall be paid to his lawful heirs.

In case of death, payable to widow, etc.

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

*Approved April 26, 1890.*

AN ACT TO AUTHORIZE THE TOWN OF RANDOLPH TO PAY A CERTAIN BOUNTY. *Chap.236*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Randolph is hereby authorized to raise by taxation a sum of money not exceeding one hundred dollars, and to appropriate the same to the payment of a bounty of one hundred dollars to Charles Tileston: *provided*, that said town shall not be reimbursed by the Commonwealth for any money paid under the authority of this act.

May pay a bounty to Charles Tileston.

SECTION 2. If said Charles Tileston has died, or shall die before he receives his bounty, it shall be paid to his widow; or if he leaves no widow it shall be paid to his lawful heirs.

In case of death, payable to widow, etc.

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

*Approved April 26, 1890.*

AN ACT RELATIVE TO THE DESTRUCTION OF FOXES AND RACCOONS IN THE COUNTY OF DUKES COUNTY. *Chap.237*

*Be it enacted, etc., as follows:*

SECTION 1. Whoever knowingly introduces into the county of Dukes County and liberates therein any fox or raccoon shall be punished for each offence by a fine of not less than twenty-five dollars nor more than fifty dollars,

Foxes and raccoons not to be liberated in county of Dukes County under penalty.

or by imprisonment in the county jail not exceeding thirty days or by both such fine and imprisonment.

Reward for destruction.

SECTION 2. The county commissioners of the county of Dupes County are hereby empowered to offer a reward for the destruction of foxes and raccoons, and to authorize the payment of the same from the county treasury, upon proper proof of such destruction.

*Approved April 26, 1890.*

**Chap.238** AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE DISTRICT COURT OF CENTRAL MIDDLESEX.

*Be it enacted, etc., as follows :*

Salary established.

SECTION 1. The salary of the justice of the district court of central Middlesex shall be eight hundred dollars per annum from the first day of January in the year eighteen hundred and ninety.

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

*Approved April 26, 1890.*

**Chap.239** AN ACT CONCERNING THE EMPLOYMENT OF CLERKS AND OTHER ASSISTANCE IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

*Be it enacted, etc., as follows :*

Clerks and messenger.

SECTION 1. The secretary of the Commonwealth is hereby authorized to employ, at an expense not exceeding thirteen 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 at a rate exceeding twelve hundred dollars a year.

Repeal.

SECTION 2. Section one of chapter one hundred and one of the acts of the year eighteen hundred and eighty-nine is hereby repealed.

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

*Approved April 26, 1890.*

**Chap.240** AN ACT TO AMEND AN ACT AUTHORIZING TOWNS AND CITIES TO LAY OUT PUBLIC PARKS WITHIN THEIR LIMITS.

*Be it enacted, etc., as follows :*

Amendment to 1882, 154, § 1.

SECTION 1. Section one of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two, entitled An Act authorizing towns and cities to lay out public parks within their limits, is hereby

amended by striking out from the last sentence of said section the following words “ or other officer”, and inserting in place thereof the words : — or treasurer or clerk, — so that said section as amended shall read as follows : —

*Section 1.* Any town in this Commonwealth which accepts the provisions of this act in the manner hereinafter prescribed may, at a legal meeting called for the purpose, elect three competent persons who shall constitute a board of park commissioners for such town, and may prescribe their terms of office ; and the mayor of any city which in such manner accepts said provisions may, with the approval of the city council, as soon as may be after such acceptance, appoint five competent persons who shall constitute a board of park commissioners for such city, and who shall hold their offices until the expiration of terms of one, two, three, four and five years respectively, from the first Monday in May next following such appointment ; and the mayor shall, before the first Monday in May in each year thereafter, with like approval appoint one such commissioner to continue in office for five years from the expiration of the term of the commissioner then next outgoing. No person shall be such commissioner who is at the same time a selectman, or treasurer, or clerk of such town, or a member of the city council, clerk or treasurer of such city ; and any such commissioner may be removed by a vote of two-thirds of the legal voters of such town, at a legal town meeting called for the purpose, or by a concurrent vote of two-thirds of the whole of each branch of such city council.

Park commissioners to be elected or appointed.

Not to hold certain other offices.

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

*Approved April 30, 1890.*

AN ACT TO DEFINE AND ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF LITTLETON AND BOXBOROUGH.

*Chap. 241*

*Be it enacted, etc., as follows :*

SECTION 1. The boundary line between the towns of Littleton and Boxborough, near the farms of Olive L. Hall and Henry T. Taylor, is hereby defined and established as follows : — Beginning upon the present boundary line between said towns at a point on the road which leads from Littleton to Hartwell’s crossing where a stone monument now stands ; thence running in a straight line south, fifty-one degrees west, along or near the boundary wall between the land of said Hall and the land of Samuel Sar-

Boundary line between Littleton and Boxborough, defined.

Boundary line defined.

gent to the southerly corner of land of said Hall at the intersection of two walls at land of Ephraim Cobleigh, sixty-eight rods; thence running in a straight line north, forty-three degrees twenty-five minutes west, over land of said Hall to and continuing across the road leading northerly from the house of said Cobleigh to a point on the westerly side thereof, at which point the southerly boundary wall of said Taylor's farm meets the said road, one hundred and twenty rods; thence running in a straight line south, sixty-eight degrees west, by said southerly boundary wall and by land of said Cobleigh to an angle in the wall, forty-eight rods; thence running in a straight line north, thirty-one degrees west, and crossing said road and continuing over land of said Taylor to an angle in the wall which divides land of said Taylor from land of Albert W. Campbell, eighty-one rods; thence running in a straight line north, twenty-four degrees west, over land of said Taylor, one hundred and forty rods to the present boundary line between said towns, and so re-uniting therewith at a point thereof distant south-easterly two hundred and thirty rods measured on and along said last mentioned line from its point of beginning as described in an act for settling the line between Littleton and Boxborough, passed February twentieth in the year seventeen hundred and ninety-four. All the territory in said towns lying northerly from the above said described line shall be and remain in the town of Littleton and all the territory lying southerly from said line shall be and remain in the town of Boxborough.

Act of Feb. 20, 1794.

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

*Approved April 30, 1890.*

**Chap. 242** AN ACT IN RELATION TO THE TABLES OF AGGREGATES REQUIRED TO BE MADE BY ASSESSORS OF TAXES.

*Be it enacted, etc., as follows:*

P. S. 11, § 54, 1887, 86, amended.

SECTION 1. Section fifty-four of chapter eleven of the Public Statutes, as amended by chapter eighty-six of the acts of the year eighteen hundred and eighty-seven, is hereby further amended so as to read as follows: — *Section 54.* The assessors shall fill up the table of aggregates by an enumeration of the necessary items included in the lists of valuation and assessments required by law, and shall on or before the first day of October in each year deposit in the office of the secretary of the Commonwealth

Tables of aggregates to be made by assessors of taxes.

an attested copy of the same, containing, — First. The number of residents assessed on property, specifying the number of individuals and the number of firms, corporations, associations, institutions, trustees, and so forth. Second. The number of non-residents assessed on property, specifying the number of individuals and the number of firms, corporations, associations, institutions, trustees, and so forth. Third. The whole number of persons assessed, specifying the number assessed for a tax on property and the number assessed for a poll tax only. Fourth. The number of polls assessed, specifying the number of male polls and the number of female polls. Fifth. The tax on each poll, male or female. Sixth. The value of personal estate assessed, specifying the value of the same excluding resident bank stock, and the value of resident bank stock. Seventh. The value of real estate assessed, specifying the value of buildings exclusive of land and of land exclusive of buildings. Eighth. The total valuation of assessed estate in the city or town. Ninth. The tax for state, county and city or town purposes, including overlayings, specifying the amount assessed on personal estate, on real estate and on polls. Tenth. The rate of total tax per one thousand dollars. Eleventh. The number of horses assessed. Twelfth. The number of cows assessed. Thirteenth. The number of sheep assessed. Fourteenth. The number of neat cattle, other than cows, assessed. Fifteenth. The number of swine assessed. Sixteenth. The number of dwelling-houses assessed. Seventeenth. The number of acres of land assessed: *provided*, that in the case of the city of Boston said copy may be deposited in the office of the secretary on or before the first day of November in each year.

Table of  
aggregates.

SECTION 2. The blank forms of the tables of aggregates provided for by section fifty-two of chapter eleven of the Public Statutes shall be so changed as to include the items for which provision is made in the foregoing section.

Blank forms to  
be changed.

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

*Approved April 30, 1890.*

AN ACT TO AMEND THE PUBLIC STATUTES RELATING TO CO-OPERATIVE BANKS.

*Chap. 243*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter one hundred and seventeen of the Public Statutes is hereby amended by

Amendment to  
P. S. 117, § 1.

Co-operative banks may be incorporated.

striking out the words "be and remain", in the fifth line, and inserting in place thereof the words: — by and with the consent of the board of commissioners of savings banks, become, — so that the section as amended shall read as follows: — *Section 1.* Twenty-five or more persons who associate themselves together by an agreement in writing with the intention of forming a corporation for the purpose of accumulating the savings of its members paid into such corporation in fixed periodical instalments and lending to its members the funds so accumulated shall, by and with the consent of the board of commissioners of savings banks, become a corporation upon complying with the provisions of the three following sections.

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

*Approved April 30, 1890.*

*Chap. 244* AN ACT TO AUTHORIZE THE GREENFIELD ELECTRIC LIGHT AND POWER COMPANY TO MORTGAGE ITS PROPERTY AND FRANCHISES.

*Be it enacted, etc., as follows:*

May issue bonds and may mortgage franchises, etc., as security.

SECTION 1. The Greenfield Electric Light and Power Company of Greenfield may from time to time, upon the vote of a majority in interest of its stockholders at any meeting called for the purpose, issue coupon or registered bonds to provide means for payment of any of its debts or obligations or for the payment of money borrowed for any lawful purpose; and may mortgage or pledge as security for the payment of such bonds its franchises and any or all of its estate, real or personal.

To bear interest not exceeding six per cent.

SECTION 2. Such bonds shall be issued in sums of not less than one hundred dollars each and be payable at periods not exceeding twenty years from their date, and bear interest not exceeding six per cent. per annum payable annually or semi-annually; and, if so voted, may be made redeemable at the pleasure of the company after any time fixed before maturity.

Not to exceed one-half of capital stock paid in.

SECTION 3. The amount of such bonds issued, including the amount of all bonds previously issued under this act and outstanding, shall not exceed one-half of the capital stock of said corporation actually paid in at the time of issue. Any mortgage securing such bonds may be made to one or more trustees for the benefit of the holders and may contain a power of sale.

Former action of corporation made valid.

SECTION 4. Said corporation having on the twenty-first day of January in the current year passed a cor-

porate vote providing for the issue of bonds and for mortgaging certain property and franchises of the company to secure the same, said vote is hereby approved and declared valid to the same extent as if this act had been in force at the time of its passage; and any bonds and mortgage made and issued by the company upon such vote, if made and issued conformably to this act in all other respects, are hereby declared valid to the same extent as if made and issued upon a vote provided for in section one, passed after the passage of this act.

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

*Approved April 30, 1890.*

AN ACT TO ENABLE THE SCHOOL COMMITTEE OF THE CITY OF NORTHAMPTON TO FIX THE COMPENSATION OF THE SUPERINTENDENT OF SCHOOLS.

*Chap. 245*

*Be it enacted, etc., as follows:*

SECTION 1. The compensation of the superintendent of schools in the city of Northampton shall hereafter be determined by a majority vote of the whole board of school committee.

Compensation of superintendent.

SECTION 2. This act shall take effect upon its acceptance by a majority of the legal voters of said city voting thereon at the annual election of said city on the first Tuesday of December in the year eighteen hundred and ninety. At such meeting the vote shall be by ballot, and the form of such ballot shall be: "Will the city of Northampton accept the provisions of chapter — of the acts of the year one thousand eight hundred and ninety providing that the salary of the superintendent of schools be fixed by the school committee — yes or no?" This question shall be printed upon the ballot after the list of candidates.

Subject to acceptance by a majority vote.

*Approved April 30, 1890.*

AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO RELOCATE ITS ROAD IN THE TOWN OF WAREHAM.

*Chap. 246*

*Be it enacted, etc., as follows:*

SECTION 1. The Old Colony Railroad Company, with the assent in writing of the board of railroad commissioners, for the purpose of improving the grade of its road and avoiding a grade crossing thereof in the town of Wareham, may relocate that part of its road between a point at or near where its road now crosses Wareham

May relocate its road in Wareham.

Present location may be abandoned.

river and a point at or near its present South Wareham station; and when the portion of its road thus relocated shall be open for public travel to the satisfaction of the railroad commissioners, said company may abandon the present location of its road between said points. No change in the location or construction of said road across navigable or tide-waters shall be made without the consent in writing of the board of harbor and land commissioners, and in such manner as the said board shall prescribe.

Damages.

SECTION 2. All damages caused by taking land or material for such relocation shall be recovered and paid in the manner provided by the general law for the recovery and payment of damages caused by the location of railroads.

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

*Approved April 30, 1890.*

**Chap.247** AN ACT TO ESTABLISH THE SALARY OF THE INSURANCE COMMISSIONER.

*Be it enacted, etc., as follows:*

Salary established.

SECTION 1. The salary of the insurance commissioner shall be thirty-five hundred dollars a year from the first day of January in the year eighteen hundred and ninety.

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

*Approved April 30, 1890.*

**Chap.248** AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO APPOINT A BOARD OF COMMISSIONERS OF SEWERAGE CONSTRUCTION.

*Be it enacted, etc., as follows:*

Board of commissioners of sewerage construction, established.

SECTION 1. A board of commissioners of sewerage construction is hereby established for the city of Brockton as follows: Within thirty days from and after the adoption of a system of sewerage and of sewage disposal by the city council, the mayor shall appoint, subject to confirmation by the board of aldermen, three persons, inhabitants of said city, to be a board of commissioners of sewerage construction; to hold office respectively, one, two and three years from the first day of July following their appointment and until their successors are appointed and confirmed as aforesaid; and thereafter in the month of June in each year the mayor shall appoint, subject to confirmation as aforesaid, one member of said board to



serve for the term of three years from the first day of July following his appointment and until his successor is appointed and confirmed. Whenever any vacancies shall occur in said board by death, resignation or otherwise, such vacancies shall be filled by appointment and confirmation in the manner aforesaid of a person who shall hold office for the residue of the unexpired term. Said board when appointed, and annually thereafter on the first Monday in July, shall organize by the choice of a chairman and secretary from their own number.

Vacancies.

Organization.

SECTION 2. Said board of commissioners shall have exclusive authority to construct, maintain and operate the system of sewerage and of sewage disposal adopted by the city council, and to construct, make, maintain and keep in repair and have charge of and operate such common sewers as the board of aldermen shall order to be built as a part of said system; and may make contracts for the purposes aforesaid. All contracts made by said board of commissioners for such purposes shall be the contracts of said city and shall be signed by its mayor; but no contract shall be made by said commissioners which requires an expenditure in excess of the appropriation therefor by the city council. In the discharge of their duties aforesaid said commissioners shall be subject to the direction and control of the board of aldermen, and their compensation shall be fixed by concurrent vote of the city council.

To have exclusive authority to construct, maintain, etc. system of sewerage, etc.

Contracts.

Subject to direction of board of aldermen.

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

*Approved April 30, 1890.*

AN ACT TO AMEND AN ACT FOR THE BETTER PRESERVATION OF  
BIRDS AND GAME.

Chap. 249

*Be it enacted, etc., as follows:*

SECTION 1. Chapter two hundred and ninety-two of the acts of the year eighteen hundred and eighty-eight, amending section one of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-six, is hereby amended so as to read as follows: — *Section 1.* Whoever takes or kills a pinnated grouse at any time, or a woodcock, or a ruffed grouse, commonly called a partridge, or a quail, between the fifteenth day of December and the fifteenth day of September, or a wood or summer duck, black duck or teal, or any of the so called duck species, between the fifteenth day of April and the first

1886, 276, § 1.  
1888, 292,  
amended.Preservation of  
grouse, wood-  
cock, quail, etc.

day of September, shall be punished by a fine of twenty dollars for every bird so taken or killed.

Penalty.

SECTION 2. Whoever at any time takes or sends or causes to be taken or transported beyond the limits of the Commonwealth any woodcock, quail or ruffed grouse taken or killed within the Commonwealth, or has in possession any such bird or birds with intent to take or cause the same to be taken out of the Commonwealth, shall be punished by a fine of ten dollars for every bird so had in possession or taken or caused to be taken or sent beyond the limits of the Commonwealth as aforesaid.

*Approved April 30, 1890.*

*Chap.250* AN ACT TO AUTHORIZE THE WOMAN'S HOME MISSIONARY ASSOCIATION TO HOLD ITS MEETINGS IN ANY STATE OF THE UNITED STATES AND IN THE DISTRICT OF COLUMBIA.

*Be it enacted, etc., as follows:*

May hold meetings in other states, etc.

SECTION 1. The Woman's Home Missionary Association, a corporation organized under the laws of this Commonwealth, may hold its meetings, annual or otherwise, in any state of the United States and in the District of Columbia.

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

*Approved April 30, 1890.*

*Chap.251* AN ACT TO AMEND AN ACT TO ESTABLISH THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

*Be it enacted, etc., as follows:*

Amendment to 1889, 414, § 4.

SECTION 1. Section four of chapter four hundred and fourteen of the acts of the year eighteen hundred and eighty-nine is hereby amended by striking out the words "and fifty", in the sixth line, so that the section as amended will read as follows:—*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 patients and for the officers, employees and attendants, and to provide for the equipment and furnishing of said buildings: *provided, however,* that the entire

Trustees may erect hospital with accommodations for not less than two hundred patients.

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.

No expenditure to be made until plans are approved.

Contracts.

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

*Approved April 30, 1890.*

AN ACT REMOVING RESTRICTIONS FROM THE MANUFACTURE AND SALE OF WATER GAS FOR ILLUMINATING PURPOSES.

*Chap. 252*

*Be it enacted, etc., as follows:*

SECTION 1. Section fourteen of chapter sixty-one of the Public Statutes, relating to the inspection of gas, is hereby amended by striking out in the fifteenth line the words "or more than ten per cent. of carbonic oxide", so that the last two clauses of said section as amended shall read as follows: — When the gas of any company is found on three consecutive inspections to give less light than fifteen standard English candles, or to contain more than twenty grains of sulphur or ten grains of ammonia per hundred cubic feet of gas, or any sulphuretted hydrogen, a fine of one hundred dollars shall be paid by such company to the city or town supplied by it. When during the test the consumption of gas varies from five feet per hour, or the candle from one hundred and twenty grains per hour, a proportionate correction shall be made for the candle power.

Amendment to P. S. 61, § 14.

Inspection of illuminating gas.

SECTION 2. Chapter four hundred and twenty-eight of the acts of the year eighteen hundred and eighty-eight, authorizing the gas commissioners to license certain gas companies to make and sell water gas for illuminating purposes, is hereby repealed.

Repeal of 1888, 428.

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

*Approved April 30, 1890.*

**Chap.253** AN ACT TO AUTHORIZE THE CITY OF WOBURN TO ADOPT AND EXECUTE THE PROVISIONS OF THE WILL OF JOHN CLOUGH.

*Be it enacted, etc., as follows:*

May execute provisions of will of John Clough.

SECTION 1. The city of Woburn is hereby authorized to adopt and execute the provisions of the will of John Clough, late of said Woburn, deceased, relating to the Woburn town library, the art gallery connected therewith, and the maintenance of free beds for the inhabitants of Woburn in the Massachusetts General Hospital; and to perform the conditions and to assume the obligations mentioned in said will.

Subject to acceptance by city council.

SECTION 2. This act shall take effect upon its acceptance by a concurrent vote of the city council of the city of Woburn.

*Approved April 30, 1890.*

**Chap.254** AN ACT TO PROVIDE FOR FILLING VACANCIES IN THE OFFICE OF AUDITOR IN TOWNS.

*Be it enacted, etc., as follows:*

Vacancy in office of auditor of towns.

When, by reason of death, resignation or otherwise, the office of auditor in towns becomes vacant, the remaining auditor or auditors may perform all the duties of the office or may appoint some person to aid in the performance thereof. When there is no remaining auditor the board of selectmen shall appoint some legally qualified person to fill the vacancy.

*Approved April 30, 1890.*

**Chap.255** AN ACT TO CHANGE THE TITLE OF THE INSTRUCTOR OF THE MASSACHUSETTS REFORMATORY.

*Be it enacted, etc., as follows:*

Instructor to be named "the chaplain."

SECTION 1. The officer now designated as instructor of the Massachusetts reformatory shall hereafter be named the chaplain of said reformatory.

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

*Approved April 30, 1890.*

**Chap.256** AN ACT RELATING TO FEES AND EXPENSES IN CRIMINAL CASES.

*Be it enacted, etc., as follows:*

Court fees not to be taxed, in criminal cases.

In police, district and municipal courts, no court fees shall be allowed or taxed in any criminal case.

*Approved April 30, 1890.*

AN ACT IN RELATION TO THE ELECTION OF OVERSEERS OF THE *Chap. 257*  
 POOR IN THE CITY OF NEWBURYPORT.

*Be it enacted, etc, as follows :*

SECTION 1. Section one of chapter one hundred and twenty-nine of the acts of the year one thousand eight hundred and sixty-three is hereby amended so that the three persons required to be elected by the qualified voters of the city of Newburyport, as therein specified, to be overseers of the poor shall, at the next annual municipal election of said city after the acceptance of this act, be chosen to serve as follows, viz. :—one for the term of one year, one for the term of two years and one for the term of three years; and thereafter at each annual municipal election of said city one person shall be chosen in the same manner to serve for three years. The persons so chosen shall constitute the board of overseers of the poor for said city and the mayor of said city shall be ex officio the chairman of said board without the right to vote.

Overseers of the poor.  
1863, 129, § 1.

Mayor to be ex officio the chairman.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall be void unless accepted by a majority of the voters present and voting thereon at the municipal election of said city in December next.

Subject to acceptance by a majority vote.

*Approved May 3, 1890.*

AN ACT AUTHORIZING THE CITY OF LYNN TO BORROW ONE HUNDRED THOUSAND DOLLARS FOR THE CONSTRUCTION OF A HIGH SCHOOL BUILDING. *Chap 258*

*Be it enacted, etc, as follows :*

SECTION 1. In addition to the sum already authorized, the city of Lynn for the purpose of erecting a high school building in said city 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

May borrow money for erection of a high school building.  
P. S. 29.  
1884, 129.

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.

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

*Approved May 3, 1890.*

**Chap.259** AN ACT PROVIDING FOR THE APPOINTMENT OF GUARDIANS OF MARRIED WOMEN INCOMPETENT BY REASON OF INFANCY TO RELEASE RIGHT OF DOWER OR OF HOMESTEAD.

*Be it enacted, etc., as follows :*

Amendment to P. S. 139, § 16.

Release of dower, etc., of an insane, etc., married woman.

Section sixteen of chapter one hundred and thirty-nine of the Public Statutes is hereby amended so as to read as follows :— *Section 16.* When a married woman is by reason of insanity or infancy incompetent to release her right of dower or of homestead, a guardian may be appointed for her in the same manner as if she were sole, and with the powers and duties given to guardians of married women owning property, and the husband or any suitable person may be appointed such guardian.

*Approved May 3, 1890.*

**Chap.260** AN ACT CONCERNING THE APPOINTMENT OF ASSISTANT ASSESSORS IN THE CITY OF CAMBRIDGE.

*Be it enacted, etc., as follows :*

Assistant assessors for city of Cambridge to be appointed.

SECTION 1. Assistant assessors for the city of Cambridge shall be appointed by the mayor, subject to confirmation by the board of aldermen, as follows :— In the month of February in the year eighteen hundred and ninety-one there shall be so appointed and confirmed five persons, one from each ward, to be assistant assessors to serve for the term of one year; and in the month of February annually thereafter there shall be so appointed and confirmed five assistant assessors, one from each ward, to serve for the term of one year. Such persons so appointed and confirmed shall enter upon their duties on the first day of March next after their appointment.

Vacancies.

SECTION 2. Whenever any vacancy shall exist in the office of assistant assessor from any cause such vacancy shall be filled for the unexpired term by the appointment of the mayor subject to confirmation by the board of aldermen.

Present assistants to continue until others are appointed, etc.

SECTION 3. The present assistant assessors shall hold office until others are appointed and confirmed under the provisions of this act and no longer.

SECTION 4. All acts and parts of acts inconsistent herewith are repealed. Repeal.

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

*Approved May 3, 1890.*

AN ACT RELATING TO CERTAIN APPEALS FROM PROBATE COURTS TO THE SUPERIOR COURT.

*Chap. 261*

*Be it enacted, etc., as follows:*

SECTION 1. Section thirteen of chapter one hundred and fifty-six of the Public Statutes is hereby amended by striking out the words "supreme judicial", in the fourth line, and inserting in the place thereof the word:— superior,— so that said section shall read as follows:— *Section 13.* A decree or order of a probate court made in proceedings under section thirty-three of chapter one hundred and forty-seven shall have effect, notwithstanding an appeal, until otherwise ordered by the superior court, and said court in any county or any justice thereof may in term time or vacation suspend or modify such decree or order during the pendency of the appeal.

Amendment to P. S. 156, § 13.

Exceptions in case of decree under P. S. 147, § 25.

SECTION 2. Section nine of chapter one hundred and fifty-six of the Public Statutes is hereby amended by inserting after the words "supreme court of probate", in the second line, the words:— or superior court in cases where it is provided by law that appeals shall be taken to the superior court,— so that said section shall read as follows:— *Section 9.* If a person aggrieved omits to claim or prosecute his appeal, without default on his part, the supreme court of probate, or superior court in cases where it is provided by law that appeals shall be taken to the superior court, if it appears that justice requires a revision of the case, may on the petition of the party aggrieved, and upon such terms as it deems reasonable, allow an appeal to be entered and prosecuted with the same effect as if it had been done seasonably. Such petition may be entered in the clerk's office at any time, and the order of notice thereon may be made returnable at a rule day.

Amendment to P. S. 156, § 9.

Entry of appeal when it has been omitted by mistake.

SECTION 3. All appeals taken to the superior court under the provisions of section three of chapter three hundred and thirty-two of the acts of the year eighteen hundred and eighty-seven, shall be taken in the manner provided by chapter two hundred and ninety of the acts of the year eighteen hundred and eighty-eight, for appeals

Appeals to superior court. 1887, c. 332, § 3. 1888, 290.

to the supreme judicial court; and all proceedings on such appeals shall be the same, so far as practicable, as are now provided by law on like appeals to the supreme judicial court.

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

*Approved May 3, 1890.*

**Chap.262** AN ACT TO CONFIRM THE PROCEEDINGS OF THE LAST ANNUAL MEETING OF THE TOWN OF TISBURY.

*Be it enacted, etc., as follows:*

Proceedings at annual meeting confirmed.

SECTION 1. The proceedings of the last annual meeting of the town of Tisbury held in the month of March of the current year shall not be invalid for the reason that the tellers appointed at said meeting were sworn by the moderator of said meeting instead of being sworn by the town clerk.

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

*Approved May 3, 1890.*

**Chap.263** AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit:—

State almshouse.

For the completion and furnishing of the hospital accommodations for men, and moving and repairing the barn at the state almshouse at Tewksbury, a sum not exceeding thirteen thousand five hundred dollars, as authorized by chapter twenty-two of the resolves of the present year.

Lemuel Burr.

For Lemuel Burr of Cambridge, the sum of one hundred and fifty dollars, as authorized by chapter twenty-three of the resolves of the present year.

Insurance commissioner's report.

For printing additional copies of part two of the insurance commissioner's report, concerning life insurance, a sum not exceeding one hundred and fifty dollars, as authorized by chapter twenty-seven of the resolves of the present year.



For certain repairs at the Worcester insane asylum, a sum not exceeding twelve thousand dollars, as authorized by chapter twenty-eight of the resolves of the present year.

Worcester insane asylum.

For printing additional copies of volumes two, three and four of the acts and resolves of the province of Massachusetts Bay, a sum not exceeding six hundred dollars, as authorized by chapter thirty of the resolves of the present year.

Provincial laws.

For Nathan H. Manning of Boston, the sum of one hundred and fifteen dollars, as authorized by chapter thirty-two of the resolves of the present year.

Nathan H. Manning.

For re-printing a portion of the report of the chief of the district police for the year eighteen hundred and eighty-nine, a sum not exceeding three hundred and forty dollars, as authorized by chapter thirty-five of the resolves of the present year.

Report of chief of district police.

For the Worcester east agricultural society, the sum of two hundred dollars, as authorized by chapter thirty-six of the resolves of the present year.

Worcester east agricultural society.

For aid to the town of Washington in the county of Berkshire, the sum of six thousand dollars, as authorized by chapter thirty-eight of the resolves of the present year.

Town of Washington.

For Rosanna Lockaby, Mary O'Leary, Catharine Maher and James McClosky, the sum of nine hundred and eighty-eight dollars and twenty-four cents, as authorized by chapter forty of the resolves of the present year.

Rosanna Lockaby, Mary O'Leary, Catharine Maher, James McClosky.

For the salary of the second clerk in the office of the chief of the district police, a sum not exceeding six hundred dollars, as authorized by chapter one hundred and thirty-seven of the acts of the present year. The salary of the first clerk provided for in said act shall be paid for the present year from the appropriation for incidental, contingent and office expenses of the chief and members of the state district police force, as authorized by chapter forty-three of the acts of the present year.

Chief of district police,—salaries of clerks.

For the salary of the tax commissioner and commissioner of corporations, as authorized by chapter one hundred and sixty of the acts of the present year, a sum not exceeding three hundred and seventy-five dollars, being in addition to the three thousand dollars appropriated for the salary of the deputy tax commissioner by chapter two of the acts of the present year, which amount is hereby made applicable for the payment of the salary of the tax

Salary of tax commissioner and commissioner of corporations.

Salaries of clerks.

commissioner and commissioner of corporations. The sum of two thousand dollars appropriated for the salary of the first clerk of the deputy tax commissioner, the sum of fifteen hundred dollars appropriated for the salary of the second clerk of the deputy tax commissioner and the sum of fourteen thousand dollars appropriated for such additional clerical assistance as the deputy tax commissioner and commissioner of corporations may find necessary, by chapter two of the acts of the present year, are hereby severally made applicable for the payment of salaries and for services to clerks holding similar positions in the office of the tax commissioner and commissioner of corporations.

Burial of state paupers.

For the burial of state paupers, a sum not exceeding three thousand dollars, being in addition to the seven thousand dollars appropriated by chapter seventeen of the acts of the present year, this increase being necessary to carry out the provisions of chapter seventy-one of the acts of the present year.

Judge of probate and insolvency for county of Nantucket.

For the salary of the judge of probate and insolvency for the county of Nantucket, the sum of one hundred dollars, being in addition to the five hundred dollars appropriated by chapter three of the acts of the present year, as authorized by chapter one hundred and fifteen of the acts of the present year.

Expert employed by the railroad commissioners.

For the balance of the compensation of an expert employed by the railroad commissioners during the year eighteen hundred and eighty-nine under the authority of chapter three hundred and thirty-four of the acts of the year eighteen hundred and eighty-seven, the sum of three hundred and thirty-nine dollars and seventy-one cents.

State library.

For the contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding five hundred dollars, being in addition to the eight hundred dollars appropriated by chapter eighteen of the acts of the present year.

Lyman school for boys.

For the payment of salaries, wages and labor at the Lyman school for boys at Westborough, a sum not exceeding fourteen hundred dollars, being in addition to the fifteen thousand five hundred and seventy-five dollars appropriated by chapter twenty-eight of the acts of the present year.

Expenses at house number thirteen Beacon street.

For repairs, improvements, furniture, rent and other necessary expenses at house number thirteen Beacon street, a sum not exceeding five hundred dollars, being in addition

to the eight thousand dollars appropriated by chapter forty-two of the acts of the present year.

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

*Approved May 3, 1890.*

AN ACT RELATING TO PUBLIC CEMETERIES.

*Chap. 264*

*Be it enacted, etc., as follows:*

SECTION 1. Any town in this Commonwealth which shall adopt the provisions of this act by a majority vote of the voters present and voting thereon at a legal town meeting duly called for the purpose, is hereby authorized to elect by ballot at any town meeting duly called a board of three commissioners who shall have the sole care, superintendence and management of all public burial grounds in said town, one member of which board shall be elected for the term of 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 said town in writing thereof and also 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 first election under the provisions of this act 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 term of three years as shall expire before the next annual election.

Commissioners of public burial grounds may be elected in towns adopting this act.

Vacancies.

SECTION 2. Said board of commissioners may lay out any existing public burial grounds within its territorial limits, and lands which may be hereafter purchased and set

May lay out grounds in suitable lots, etc.

apart by said town for the purpose of cemeteries 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.

May make by-laws and regulations subject to approval.

May execute deeds.

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.

Towns may receive grants, bequests, etc., for maintenance of lots, etc.

SECTION 4. Any town that may adopt the provisions of this act may receive any grants, donations, gifts or bequests made thereto for maintaining cemeteries or cemetery lots, and any and all such grants, donations, gifts or bequests shall be paid into the town treasury of said town; 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 invest all funds thus received by him, in accordance with the stipulations, if any, accompanying such grants, donations, gifts or bequests, and pay the income therefrom on the orders of the selectmen and said board of commissioners or with their approval; if there are no stipulations as to the investment of such grants, donations, gifts or bequests, the treasurer of said town shall invest the same as ordered by the selectmen and said commissioners, and pay the income therefrom upon the order of the selectmen and said commissioners or with their approval. The proceeds of sales of lots or rights of burial in said cemetery or public burial grounds shall be paid into the town treasury and shall be subject to said orders.

Proceeds of sales to be paid into the town treasury.

SECTION 5. Said board of commissioners shall not incur debts or liabilities for purposes other than aforesaid 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 their acts and doings, setting forth the condition of said cemetery and burial grounds and containing an account of their receipts and expenditures for the same and of the funds subject to their order.

Debts not to exceed funds subject to order.

Annual reports.

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

*Approved May 3, 1890.*

AN ACT CONCERNING THE APPOINTMENT OF ADMINISTRATORS.

*Chap.265*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter two hundred and sixty of the acts of the year eighteen hundred and eighty-five is hereby amended by inserting after the word "kin", in the second line thereof, the words:—or any suitable person,—and by striking out the word "other", in the third line thereof, so that said section as amended shall read as follows:—*Section 1.* Administration of the estate of an intestate may be granted to one or more of his next of kin or any suitable person, when the widow of the deceased and all his next of kin resident in the Commonwealth, who are of full age and legal capacity, consent in writing thereto. And the notice required by law may be dispensed with as if all parties entitled thereto had signified their assent or waived notice.

Amendment to 1885, 260, § 1.

Appointment of administrators.

SECTION 2. So much of section one of chapter one hundred and thirty of the Public Statutes as is inconsistent herewith is hereby repealed.

Repeal.

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

*Approved May 3, 1890.*

AN ACT RELATING TO THE SALE AND DISTRIBUTION OF REAL ESTATE BY ADMINISTRATORS.

*Chap.266*

*Be it enacted, etc., as follows:*

SECTION 1. Probate courts may upon the petition of an administrator of an intestate estate, with the consent of all parties interested or after such notice as said courts may order, license such administrator to sell the real estate belonging to said intestate estate, or any undivided interest in real estate belonging to said intestate

Sale and distribution of real estate by administrators.

estate, in such manner and upon such notice as said courts may direct, for the purpose of distribution; and the net proceeds of such sale after deducting the expenses thereof shall, after two years from the time the administrator's bond is filed, be distributed to the same persons who would have been entitled to said real estate and in the proportions to which they would have been entitled had said real estate not been sold.

Not to apply if estate exceeds \$1,500.

SECTION 2. The provisions of this act shall not be applicable when the appraisal shows that the real estate exceeds in value the sum of fifteen hundred dollars.

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

*Approved May 3, 1890.*

*Chap.267* AN ACT RELATING TO THE REMOVAL OF SUBORDINATE OFFICERS OF THE MASSACHUSETTS REFORMATORY.

*Be it enacted, etc., as follows:*

Removal of subordinate officers.

SECTION 1. Any officer of the Massachusetts reformatory holding his place at the pleasure of the superintendent and the commissioners of prisons, who is unfaithful or incompetent or who uses intoxicating liquors as a beverage, shall be by them forthwith removed. In case of a disagreement between the superintendent and the commissioners in relation to the removal of any such officer the subject may be referred to the governor and council who may make such removal.

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

*Approved May 3, 1890.*

*Chap.268* AN ACT TO INCORPORATE THE ROXBURY REAL ESTATE ASSOCIATION OF BOSTON.

*Be it enacted, etc., as follows:*

Roxbury Real Estate Association of Boston, incorporated.

SECTION 1. Thomas Sproules, Frank E. Davis and Louis N. Munier, 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 Roxbury Real Estate Association of Boston, for the purpose of buying, selling, leasing and improving real estate in the county of Suffolk, in that part of Boston formerly known as Roxbury, to an amount not exceeding twenty-five thousand dollars, and of performing such other legal acts as may be necessary in accomplishing said objects; with all the powers and privileges and subject to

all the duties, liabilities and conditions set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. The capital stock of said corporation shall not exceed twenty-five thousand dollars and shall be divided into shares of one hundred dollars each : *provided*, that said corporation shall not transact any business until at least five thousand dollars shall have been paid in ; and *provided*, that no share of stock shall be issued until the par value in money of the same shall have been fully paid in.

Capital stock and shares.

Provisos.

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

*Approved May 3, 1890.*

**AN ACT TO INCORPORATE THE SOUTH BOSTON BUILDING ASSOCIATION.**

*Chap.269*

*Be it enacted, etc., as follows :*

SECTION 1. James I. Moore, Thomas J. Giblin, Lawrence J. Logan, Matthew J. Mullen, Peter B. Corbett and John B. Martin, 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 South Boston Building Association, with authority to purchase and hold land not exceeding five acres within the limits of that part of the city of Boston called South Boston, and to erect and maintain buildings thereon, 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 hereafter may be in force relating to such corporations.

South Boston Building Association, incorporated.

SECTION 2. The capital stock of said corporation shall be five thousand dollars, divided into shares of fifty dollars each ; and said corporation, subject to the provisions of law, may increase the said stock from time to time to an amount not exceeding one hundred thousand dollars.

Capital stock and shares.

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

*Approved May 3, 1890.*

**AN ACT AUTHORIZING THE METROPOLITAN SEWERAGE COMMISSIONERS TO PURCHASE OR TAKE IN BEHALF OF THE COMMONWEALTH AN EASEMENT IN LANDS, WATER-COURSES AND RIGHTS OF WAY.**

*Chap.270*

*Be it enacted, etc., as follows :*

SECTION 1. Section four of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and

Amendment to 1889, 439, § 4.

eighty-nine is hereby amended by adding after the word "lands", in the twentieth line thereof, the words: — or if an easement or other estate less than the fee therein be specified and described in the deed of purchase, or the description and statement of taking to be recorded as aforesaid, such easement or estate therein as is so specified and described, and the, — so that said section as amended shall read as follows: — *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, or if an easement or other estate less than the fee therein be specified and described in the deed of purchase, or the description and statement of taking to be recorded as aforesaid, such easement or estate therein as is so specified and described, and the 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

Board may take lands, etc., by purchase or otherwise.

Damages.

Proviso.



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.

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

*Approved May 5, 1890.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO INCUR INDEBTEDNESS OUTSIDE OF ITS DEBT LIMIT TO PROCURE AND CONSTRUCT ONE OR MORE PUBLIC PARKS IN THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON.

*Chap. 271*

*Be it enacted, etc., as follows :*

SECTION 1. The city of Boston, for the purpose of procuring and constructing one or more public parks in the Charlestown district of said city, may authorize the city treasurer of said city to issue from time to time, as the mayor of said city may request, bonds or certificates of indebtedness to an amount not exceeding two hundred thousand dollars, to bear interest payable semi-annually at such rate not exceeding four per centum per annum as shall be fixed by said city.

May incur indebtedness beyond the limit for public parks in the Charlestown district.

SECTION 2. Said treasurer shall sell such bonds or certificates as issued and retain the proceeds thereof in the treasury of the city, and pay therefrom the expenses incurred for the purpose aforesaid: *provided, however,* that he shall pay over to the board of commissioners of sinking funds of said city any premiums received by him in the sale of such bonds or certificates; and said board shall place all amounts so paid by said treasurer into the sinking fund for the payment of the loan hereby authorized.

Treasurer to sell bonds, etc.

Premiums to be paid to commissioners of sinking funds.

SECTION 3. The indebtedness incurred under this act shall not, until after the first day of November in the year eighteen hundred and ninety, and then shall, be considered or reckoned in determining the authorized limit of indebtedness of the city of Boston under the provisions of section four of chapter twenty-nine of the Public Statutes as modified and amended by section two of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-five.

Limit of indebtedness. P. S. 29, § 4. 1885, 178, § 2.

SECTION 4. Whenever said city shall have authorized the city treasurer to issue bonds or certificates of indebtedness as provided in the preceding sections, the park commissioners of said city may take in fee, by purchase

Commissioners may take land when issue of bonds is authorized.

or otherwise, land in the Charlestown district of said city of an assessed value not exceeding one hundred and fifty thousand dollars, for one or more public parks, and may expend the balance of the proceeds of the bonds or certificates of indebtedness remaining after such lands have been paid for in constructing or preparing such parks for public use.

A description of land taken to be recorded in the registry of deeds.

SECTION 5. Said city shall, within thirty days from the time when it shall take any lands under this act, cause to be recorded in the office of the register of deeds for the county of Suffolk a description of the lands so taken, as certain as is required in a common conveyance of land, with a statement of the purpose for which such land is taken; said description and statement to be signed by the mayor of said city.

Damages to be paid by the city of Boston.

SECTION 6. The city of Boston shall pay all damages which shall be sustained by any person in his property by reason of any taking of land as aforesaid, and in case the parties cannot agree upon the damages the city or any party interested may have the damages determined by a jury at the bar of the superior court for said county, in the same manner as a party may have damages caused by the taking of land for highways in said city determined when dissatisfied with an estimate of such damages made by the street commissioners of said city; and costs shall be taxed as in civil cases.

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

*Approved May 5, 1890.*

*Chap. 272* AN ACT TO AUTHORIZE THE NEW LONDON NORTHERN RAILROAD COMPANY TO LEASE ITS ROAD TO THE CONSOLIDATED RAILROAD COMPANY OF VERMONT.

*Be it enacted, etc., as follows:*

May lease its road to the Consolidated Railroad Company of Vermont.

SECTION 1. The New London Northern Railroad Company may lease its railroads, franchises and other property to the Consolidated Railroad Company of Vermont, its successors and assigns, for a term not exceeding ninety-nine years: *provided, however,* and this permission is upon condition that any lease executed by virtue hereof shall contain an express stipulation on the part of both lessors and lessees, that the Connecticut River Railroad Company may at any and all times during the continuance of said lease have reasonable rights and powers to run, upon reasonable terms and conditions, its trains over that

Conditions of lease.

portion of the New London northern railroad between Brattleborough and South Vernon in the state of Vermont; and upon further condition on the part of the lessees that the Connecticut River Railroad Company shall have like rights and powers to run its trains, under the like terms and conditions, over that portion of the road of the Consolidated Railroad Company of Vermont which lies between Windsor and White River Junction in the state of Vermont: *provided, always*, and as a part of both conditions, that the Connecticut River Railroad Company shall procure for the lessee or its assigns like rights and powers upon like terms and conditions over the roads between said Brattleborough and Windsor. And if the parties do not agree in the premises, the question of such use and of the terms and conditions upon which the same shall be exercised shall be at any time, upon the request of any railroad corporation named herein, referred to the railroad commissioners for the Commonwealth of Massachusetts; or if there are no such commissioners, or if they refuse to act, to three referees to be appointed, upon the application of any such railroad corporation by the supreme judicial court of Massachusetts, whose decision in the premises shall be final; subject, however, to the right of revision at any time upon the application of any party before mentioned; and the commissioners or referees in determining the terms and conditions shall take into account the reciprocal use of the railroads of the parties, and shall make such decision as shall be just in view of that fact; and said decision shall have reference also to the condition, maintenance and improvement of the railroads according to the state of the art of railroad construction; and any railroad corporation named herein shall have the right to apply to the supreme judicial court of Massachusetts, which shall have power summarily to enforce said decision, and for that purpose shall have equity powers and may declare said lease forfeited. The lessee shall not transfer or part with the possession or control of said leased road, by consolidation or otherwise to or with any other party than the Central Vermont Railroad Company, nor shall the Central Vermont Railroad Company transfer or part with the possession or control of said leased road, by consolidation or otherwise to or with any other party, without the consent of the general court of Massachusetts.

Proviso.

Question to be referred to the railroad commissioners or to referees.

Transfer of lease.

Connecticut  
River Railroad  
may contract,  
etc.

SECTION 2. The Connecticut River Railroad Company is hereby authorized to contract as hereinbefore provided, during the term co-extensive with said lease, upon the vote of two-thirds of the stockholders of said company present and voting at a meeting called for that purpose.

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

*Approved May 7, 1890.*

**Chap. 273** AN ACT TO ANNEX A PART OF THE TOWN OF SHERBORN TO THE TOWN OF FRAMINGHAM.

*Be it enacted, etc., as follows:*

Part of town of  
Sherborn may  
be annexed to  
town of Fram-  
ingham.

SECTION 1. In case of the acceptance of this act by the town of Framingham as hereinafter provided, so much of the town of Sherborn as lies northerly, north-westerly and westerly of the following described lines, to wit: beginning at the present bound at the junction of the present boundary lines between the towns of Natick, Framingham and Sherborn, and near the line of the Boston and Albany railroad; thence following the boundary line between the towns of Natick and Sherborn to a stone monument situated in Kendall lane, so called, near the houses of F. H. Butterworth and M. Fairbanks; thence continuing in a straight line south twenty-eight degrees thirty-one minutes west, one hundred and three and five-tenths rods to a stake and stones recently set near the track of the northern division of the Old Colony Railroad Company; thence continuing in a straight line south fifty-four degrees thirty-nine minutes west, two hundred and ninety and six-tenths rods to a stake and stones recently set near the public highway leading from South Framingham to West Sherborn on the land of George L. Whitney, formerly a part of the Cozzens place; thence continuing in a straight line south eighty-nine degrees thirty-six minutes west, two hundred and five rods to a stone monument which marks the junction of the towns of Ashland, Framingham and Sherborn, with all the inhabitants and estates therein, is hereby set off from the town of Sherborn and annexed to and made part of the town of Framingham. And said inhabitants shall hereafter be inhabitants of said Framingham and shall enjoy all the rights and privileges and be subject to all the duties and liabilities of the inhabitants of said Framingham.

SECTION 2. The town of Framingham shall pay to the town of Sherborn, upon the acceptance of this act as hereinafter provided, such sum as may be agreed upon by the towns of Sherborn and Framingham; and if the said towns shall not within ninety days from such acceptance agree upon the sum of money to be paid under the provisions of this act the supreme judicial court for the county of Middlesex shall upon petition of either one of said towns, and after reasonable notice to the other, appoint three discreet persons as commissioners to hear the parties and determine the differences. Said petition may be filed and said appointment may be made in vacation or in term time. The award of a majority of said commissioners when returned to and accepted by the court shall be final; but the court shall have power for proper cause shown to set aside such award or to recommit it to the commissioners or to remove said commissioners and to appoint others in their stead. And the court shall have power to render judgment or make any order or decree upon said award, to issue execution or any other proper process to enforce such judgment, decree or order.

Town of Framingham to pay to town of Sherborn a sum to be agreed upon; if not agreed upon to be determined by commissioners.

SECTION 3. In case of the acceptance of this act by the town of Framingham as hereinafter provided 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 Sherborn; and all taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the town of Sherborn in the same manner as if this act had not been passed. And until the next state valuation the town of Framingham, if it shall accept this act as hereinafter provided, shall annually on or before the first day of November also pay to the town of Sherborn the proportion of any state or county tax which the said town of Sherborn 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 Sherborn shall make returns of said valuation and the proportion thereof in the towns of Sherborn and Framingham respectively, to the secretary of the Commonwealth and to the county commissioners of the county of Middlesex.

Payment of taxes.

SECTION 4. The said town of Framingham shall be liable for the relief and support of all persons who now do or

Support and relief of paupers.

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 Framingham. The town of Framingham shall also pay to the town of Sherborn annually its proportionate part of the cost hereafter paid by said town of Sherborn for the support or relief of paupers whose settlements were acquired in said territory, 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 Framingham shall be fixed upon the basis of the last valuation preceding the passage of this act.

Meetings to vote upon question of acceptance.

SECTION 5. A meeting may be held for the purpose of submitting the question of the acceptance of this act to the legal voters of the town of Framingham at any time within six months after the passage thereof. At such meeting the check-list shall be used and the affirmative vote of a majority of the legal voters present and voting thereon shall be required for the acceptance of this act. If at any meeting so held this act shall fail to be thus accepted it may at the expiration of thirty days from any such previous meeting be again thus submitted for acceptance, but not after the period of six months from the passage of this act.

Secretary of the Commonwealth, to be notified of acceptance.

SECTION 6. Immediately upon the acceptance of this act by the town of Framingham as aforesaid the town clerk of said Framingham shall notify the secretary of the Commonwealth in writing of such acceptance.

When to take effect.

SECTION 7. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the town of Framingham shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said Framingham as aforesaid.

*Approved May 8, 1890.*

*Chap. 274* AN ACT CONCERNING REAL ESTATE OWNED BY CERTAIN AGRICULTURAL SOCIETIES.

*Be it enacted, etc., as follows:*

Mortgage of real estate of society receiving bounty from the state treasury.  
P. S. 114.

SECTION 1. No incorporated agricultural society which has received or which may receive a bounty from the treasury of the Commonwealth under the provisions of chapter one hundred and fourteen of the Public Statutes shall mortgage or sell the whole or any portion of its real

estate until authority for such sale or mortgage has been granted by the affirmative vote of two-thirds of the members of such society, present and voting at a meeting duly called for that purpose, and the vote has been approved by the state board of agriculture after due notice to parties interested and a hearing thereon.

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

*Approved May 8, 1890.*

AN ACT RELATIVE TO THE APPOINTMENT OF OVERSEERS OF THE POOR IN THE CITY OF FALL RIVER. *Chap.275*

*Be it enacted, etc., as follows:*

SECTION 1. In the month of May of the year eighteen hundred and ninety there shall be appointed by the mayor of the city of Fall River, subject to confirmation by the board of aldermen, four persons who with the mayor ex officio shall constitute the board of overseers of the poor of said city and shall assume the duties of their office on the first day of June. One of the persons so appointed shall serve for four years, one for three years, one for two years and one for one year and until their successors are appointed. Thereafter one person shall be so appointed in May of each year to serve for four years and until his successor is appointed. Said appointed members shall serve without compensation.

Overseers of the poor of Fall River.

Terms of office.

To serve without compensation.

SECTION 2. Said board of overseers of the poor may appoint an agent, define his duties and fix his compensation. They shall have all the powers and perform all the duties now by law vested in and incumbent upon the overseers of the poor of said city.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 4. This act shall take effect when accepted by the city council of the city of Fall River at a meeting duly called for that purpose. *Approved May 8, 1890.*

To take effect upon acceptance.

AN ACT TO REQUIRE DEALERS IN ICE TO CARRY SCALES IN DELIVERY WAGONS. *Chap.276*

*Be it enacted, etc., as follows:*

SECTION 1. Dealers in ice shall provide each wagon used for the delivery of ice with scales, and on request of the purchaser ice shall be weighed when delivered.

Scales to be provided, ice to be weighed on request.

Penalty for not weighing ice when requested.

SECTION 2. Any person having charge of the delivery of ice from a wagon who refuses to weigh ice when requested by the purchaser at the time of delivery or any such person giving false weight shall be punished by fine not exceeding ten dollars.

Penalty on dealer for not providing scales.

SECTION 3. Any ice dealer who violates the provisions of the first section of this act shall be punished by a fine not exceeding fifty dollars. *Approved May 8, 1890.*

**Chap.277** AN ACT PROVIDING FEES FOR WITNESSES IN COURTS OF PROBATE AND INSOLVENCY IN CERTAIN CASES.

*Be it enacted, etc., as follows :*

Fees of witnesses in courts of insolvency. P. S. 157, § 70.

SECTION 1. Witnesses attending courts of insolvency and persons except the debtor examined under the provisions of section seventy of chapter one hundred and fifty-seven of the Public Statutes, unless fraudulent conduct is charged and proved against them, shall receive the same fees as witnesses attending in civil cases in the probate courts.

SECTION 2. This act shall take effect upon its passage. *Approved May 8, 1890.*

**Chap.278** AN ACT TO AUTHORIZE THE REMOVAL OF PRISONERS FROM THE STATE FARM TO HOUSES OF CORRECTION.

*Be it enacted, etc., as follows :*

Prisoners may be removed to and from the state farm and houses of correction.

SECTION 1. Upon the application of the trustees of the state almshouse and state farm the commissioners of prisons may remove any prisoner held in the state farm in Bridgewater under sentence, to any house of correction in the county where such prisoner was convicted; and the said commissioners may upon the application of the said trustees return to the said state farm any prisoner so removed.

To be held in accordance with original sentence.

SECTION 2. Any prisoner removed or returned under this act shall be held in the place of imprisonment to which he is so removed or returned, in accordance with the terms of his original sentence. The state board of lunacy and charity shall have, solely, the same authority to release such prisoner from a house of correction that said board would have had to release him from said state farm if he had not been so removed.

Release.

Order for removal to be signed by the secretary of the commissioners.

SECTION 3. Every order for the removal or return of a prisoner under this act shall be signed by the secretary of the commissioners of prisons and may be executed by



any officer authorized to serve criminal process. All mittimuses, processes and other official papers or attested copies thereof, by which a prisoner is held in custody, shall be removed or returned with him.

Mittimuses, etc., to accompany the prisoner.

SECTION 4. The cost of removal or return of a prisoner under this act shall be paid from the treasury of the Commonwealth. The cost of supporting a prisoner removed to any house of correction under this act shall be paid by the county in which such house of correction is situated.

Cost of removal and support.

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

*Approved May 8, 1890.*

AN ACT MAKING APPROPRIATIONS FOR THE PURPOSE OF PROVIDING A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC IN BOSTON THE PRESENT YEAR AND FOR OTHER EXPENSES AUTHORIZED BY LAW.

*Chap. 279*

*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 purpose of providing a proper representation of the Commonwealth at the national encampment of the grand army of the republic, to be held in the city of Boston during the present year, and to meet certain other expenses authorized by law, to wit: —

Appropriations.

For the New England industrial school for deaf mutes, the sum of two thousand dollars, as authorized by chapter forty-one of the resolves of the present year.

New England industrial school for deaf mutes.

For Arthur Wilcox of Fall River, the sum of eight hundred dollars, as authorized by chapter forty-two of the resolves of the present year.

Arthur Wilcox.

For certain improvements at the State farm at Bridgewater, a sum not exceeding nine thousand three hundred dollars, as authorized by chapter forty-three of the resolves of the present year.

State farm at Bridgewater.

For providing for a proper representation of the Commonwealth at the national encampment of the grand army of the republic, to be held in the city of Boston during the present year, a sum not exceeding fifty thousand dollars, as authorized by chapter forty-four of the resolves of the present year.

Encampment of the grand army of the republic.

City of Lynn.

For the city of Lynn, the sum of eight hundred and sixty-eight dollars and twenty-one cents, as authorized by chapter forty-five of the resolves of the present year.

Reformatory prison for women.

For the disposal of sewage at the reformatory prison for women, a sum not exceeding five thousand dollars, as authorized by chapter two hundred and eleven of the acts of the present year.

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

*Approved May 8, 1890.*

**Chap.280** AN ACT TO CHANGE THE NAME OF THE FIRST UNIVERSALIST SOCIETY OF SOUTH SCITUATE.

*Be it enacted, etc., as follows:*

Name changed.

SECTION 1. The name of the religious society known as the First Universalist Society of South Scituate is hereby changed to the First Universalist Society of Norwell.

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

*Approved May 8, 1890.*

**Chap.281** AN ACT TO AUTHORIZE THE WHEATON FEMALE SEMINARY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Be it enacted, etc., as follows:*

May hold additional real and personal estate.  
1847, 53.  
1890, 55.

SECTION 1. The Wheaton Female Seminary, incorporated by chapter fifty-three of the acts of the year eighteen hundred and thirty-seven as amended by chapter fifty-five of the acts of the year eighteen hundred and thirty-nine, is hereby authorized to hold additional real and personal estate to an amount not exceeding five hundred thousand dollars, to be applied exclusively to the purposes of said corporation.

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

*Approved May 8, 1890.*

**Chap.282** AN ACT TO CONFIRM THE PROCEEDINGS OF THE MEETING OF THE TOWN OF CHILMARK HELD ON THE TENTH DAY OF MARCH OF THE PRESENT YEAR.

*Be it enacted, etc., as follows:*

Proceedings at annual meeting confirmed.

SECTION 1. The proceedings of the annual meeting of the town of Chilmark held on the tenth day of March of the present year shall not be invalid for the reason that the tellers appointed at said meeting were sworn by

the moderator of said meeting instead of being sworn by the town clerk.

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

*Approved May 8, 1890.*

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL MEETING OF THE TOWN OF EDGARTOWN HELD ON THE TENTH DAY OF MARCH OF THE PRESENT YEAR.

*Chap. 283*

*Be it enacted, etc., as follows:*

SECTION 1. The proceedings of the annual meeting of the town of Edgartown held on the tenth day of March of the present year shall not be invalid for the reason that the tellers appointed at said meeting were sworn by the moderator of said meeting instead of being sworn by the town clerk.

Proceedings at annual meeting confirmed.

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

*Approved May 8, 1890.*

AN ACT RELATIVE TO THE ISSUING OF SEARCH WARRANTS IN CERTAIN CASES.

*Chap. 284*

*Be it enacted, etc., as follows:*

Section two of chapter two hundred and twelve of the Public Statutes as amended by section two of chapter three hundred and forty-two of the acts of the year eighteen hundred and eighty-five is hereby further amended by adding thereto the following, viz.: — Ninth, To search for personal property on which insurance against fire has been effected and which the complainant has reasonable cause to believe has been removed or concealed for the purpose of cheating or defrauding an insurance company.

Amendment to P. S. 212, § 2. 1885, 342, § 2.

Search warrants for insured property.

*Approved May 8, 1890.*

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE BOARD OF RAILROAD COMMISSIONERS.

*Chap. 285*

*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, to meet sundry expenses of the board of railroad commissioners during the year eighteen hundred and ninety, to wit: —

Appropriations.

For the compensation of experts or other agents of the board of railroad commissioners, as authorized by chapter three hundred and thirty-four of the acts of the year

Railroad commissioners, experts and agents.

eighteen hundred and eighty-seven, a sum not exceeding thirty-five hundred dollars.

Janitor's services, etc.

For rent of office and services of janitor for the board of railroad commissioners, a sum not exceeding thirty-one hundred dollars.

Books, maps and stationery, etc.

For books, maps, statistics, stationery, incidental and contingent expenses of the board of railroad commissioners, a sum not exceeding fourteen hundred dollars.

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

*Approved May 8, 1890.*

**Chap. 286** AN ACT AUTHORIZING THE TRUSTEES OF THE FIRST PARISH IN DORCHESTER TO CONVEY TO SAID PARISH REAL ESTATE AND PERSONAL PROPERTY.

*Be it enacted, etc., as follows:*

Trustees may be elected. 1831, 15.

SECTION 1. The First Parish in Dorchester is hereby authorized to elect, at a meeting legally called for the purpose, not less than three nor more than five persons to act as trustees of said parish, with all the powers conferred by chapter fifteen of the acts of the year eighteen hundred and thirty-one.

To have power, as trustees, under 1831, 15.

SECTION 2. Upon the election of such trustees as aforesaid, and their acceptance of office, they shall have full power and authority as trustees under chapter fifteen of the acts of the year eighteen hundred and thirty-one to the exclusion of all other persons whatsoever.

May transfer, by deed, real estate and personal property.

SECTION 3. The said trustees may transfer by deed to the said First Parish in Dorchester all real estate and personal property the title to which is now in the Trustees of the First Parish in Dorchester, to be held by the said first parish for the purposes set forth in section three of chapter fifteen of the acts of the year eighteen hundred and thirty-one, and the said parish may at any time direct such of its officers as it deems fit, to sell, transfer, mortgage or otherwise deal with such property or any other of its property as the said parish by said vote may direct: *provided, however*, that any funds arising from such sale, transfer, mortgage or dealing shall be re-invested or held by the said parish for the purposes aforesaid; and *provided, further*, that nothing in this act contained shall empower the said parish to deal with any property, real or personal, heretofore granted, devised or donated to said trustees or hereafter to be granted, devised or donated to said parish contrary to the terms of such grant, devise or donation.

Provisos.

SECTION 4. All grants, devises and donations made or hereafter to be made to the said trustees in their capacity under chapter fifteen of the acts of the year eighteen hundred and thirty-one, for the use and benefit of the said parish, shall be valid to every extent and purpose and shall fix the property so granted, devised or donated in said parish for the purposes and with the powers aforesaid.

Grants, devises, etc., to be valid.

SECTION 5. The said parish may hold property, real and personal, for the purposes set forth in this act, the annual income of which shall not exceed fifteen thousand dollars.

Annual income from property not to exceed \$15,000.

SECTION 6. After the election and acceptance of said trustees as provided in this act, and the transfer of the property in them vested as hereinbefore mentioned, they shall forthwith apply to the supreme judicial court by petition for a dissolution of the corporation of the Trustees of the First Parish in Dorchester aforesaid, and upon proof that they were duly elected and have performed the duties imposed upon them by chapter fifteen of the acts of the year eighteen hundred and thirty-one and by this act, the said court shall forthwith issue its decree dissolving said corporation, and thereupon the said corporation shall be dissolved for all purposes whatsoever.

Corporation of the Trustees of the First Parish in Dorchester may be dissolved.

SECTION 7. All acts in regard to property vested in the Trustees of the First Parish in Dorchester heretofore done by said trustees or by any officers of the said parish authorized thereto by vote of the said parish are hereby ratified.

Acts ratified.

SECTION 8. This act shall take effect upon its adoption by a majority of the members of the said First Parish in Dorchester present and voting at a meeting legally called for that purpose.

Subject to adoption by a majority vote.

*Approved May 8, 1890.*

AN ACT TO INCORPORATE THE CAMBRIDGE SAFE DEPOSIT AND TRUST COMPANY.

*Chap. 287*

*Be it enacted, etc., as follows:*

SECTION 1. William R. Ellis, Woodward Emery, Howard Sargent, James M. Brine, Archibald M. Howe, Frederick P. Fish, John H. Hubbard, William E. Russell, S. Lothrop Thorndike, J. M. Hilton, Walter Woodman, James L. Fisk, Moses G. Howe, Manning Emery, Edward W. Hincks and Alvin F. Sortwell, their associates and successors, are hereby made a corporation by the name of the Cambridge Safe Deposit and Trust Company,

Cambridge Safe Deposit and Trust Company, incorporated.

with authority to establish and maintain a safe deposit and trust company in the city of Cambridge; 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.

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

*Approved May 8, 1890.*

**Chap.288**

AN ACT TO INCORPORATE THE OLD COLONY TRUST COMPANY.

*Be it enacted, etc., as follows:*

Old Colony  
Trust Com-  
pany, incor-  
porated.

SECTION 1. T. Jefferson Coolidge, Jr., Eli T. Dillon, Frederick C. Dumaine, Gordon Abbott, Henry C. Richards, James H. Whitman, Lucius M. Sargent and Julius R. Wakefield, their associates and successors, are hereby made a corporation by the name of the Old Colony Trust Company, with authority to establish and maintain a safe deposit, loan and trust company in the city of Boston; 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.

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

*Approved May 8, 1890.*

**Chap.289**

AN ACT MAKING THE WAGES AND LAY OF FISHERMEN SUBJECT TO ATTACHMENT BY THE TRUSTEE PROCESS.

*Be it enacted, etc., as follows:*

Attachment of  
fishermen's  
wages by the  
trustee process.

Chapter one hundred and ninety-four of the acts of the year eighteen hundred and eighty-six, exempting the wages and lay of seamen from attachment by the trustee process, shall not hereafter apply to the wages or lay due or accruing to any fisherman. *Approved May 14, 1890.*

**Chap.290**

AN ACT TO CONFIRM A VOTE OF A TOWN MEETING OF THE TOWN OF SHIRLEY HELD ON THE SEVENTEENTH DAY OF MARCH OF THE PRESENT YEAR.

*Be it enacted, etc., as follows:*

Proceedings at  
town meeting  
confirmed.

SECTION 1. The proceedings of the town meeting of the town of Shirley held on the seventeenth day of March in the year eighteen hundred and ninety, whereby it was voted to accept the list of jurors as prepared by the selectmen, shall not be invalid by reason of the omission to

insert in the warrant calling said meeting an article relative to accepting said list.

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

*Approved May 14, 1890.*

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AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL MEETING OF THE TOWN OF BARNSTABLE HELD ON THE THIRD DAY OF MARCH OF THE PRESENT YEAR.

*Chap.291*

*Be it enacted, etc., as follows :*

SECTION 1. The proceedings of the annual meeting of the town of Barnstable held on the third day of March in the year eighteen hundred and ninety are hereby ratified and confirmed.

Proceedings at town meeting confirmed.

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

*Approved May 14, 1890.*

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AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF RUSSELL.

*Chap.292*

*Be it enacted, etc., as follows :*

SECTION 1. The proceedings of the annual town meeting of the town of Russell held on the third day of March in the year eighteen hundred and ninety shall not be invalid by reason of the fact that the patent ballot-box was not used in taking the vote on the license question.

Proceedings at town meeting confirmed.

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

*Approved May 14, 1890.*

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AN ACT FOR THE BETTER PROTECTION OF LOBSTERS.

*Chap.293*

*Be it enacted, etc., as follows :*

Whoever catches and mutilates a lobster by severing the tail from the body before said lobster is cooked shall be punished by a fine of five dollars for each offence ; and in all prosecutions under this act the possession, by a person engaged in catching or taking lobsters, of the tail of any uncooked lobster so severed from the body shall be prima facie evidence to convict. *Approved May 14, 1890.*

Protection of lobsters.

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AN ACT INCREASING THE NUMBER OF OFFICERS WHO MAY BE APPOINTED FOR ATTENDANCE UPON THE SUPREME JUDICIAL COURT IN THE COUNTY OF SUFFOLK.

*Chap.294*

*Be it enacted, etc., as follows :*

SECTION 1. Section one of chapter two hundred and thirty-two of the acts of the year eighteen hundred and

Amendment to 1882, 232, § 1. 1886, 37, § 2.

Officers in attendance upon S. J. C. in Suffolk county, — salaries.

eighty-two as amended by section two of chapter thirty-seven of the year eighteen hundred and eighty-six is hereby further amended by increasing the number of officers who may be appointed for attendance upon the supreme judicial court in the county of Suffolk from four to six, so that said section one as amended shall read as follows:— *Section 1.* The officers in attendance upon the supreme judicial court in the county of Suffolk, not exceeding six in number including the messenger of the justices of the supreme judicial court in said county, shall each receive in full for all services performed by them an annual salary of seventeen hundred dollars, of which thirteen hundred dollars shall be paid by the said county and four hundred dollars by the Commonwealth.

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

*Approved May 15, 1890.*

**Chap.295** AN ACT TO AMEND THE CHARTER OF THE FRENCH PROTESTANT COLLEGE.

*Be it enacted, etc., as follows:*

Name changed.

SECTION 1. The name of the French Protestant College, a corporation organized under the general laws of the Commonwealth in the year eighteen hundred and eighty-five and formerly located in the city of Lowell, is hereby changed to the French Protestant College of Springfield.

May confer degrees, etc.

SECTION 2. The said college is hereby authorized to grant such honorary testimonials and confer such honors, degrees and diplomas as are granted or conferred by any university, college or seminary of learning in this Commonwealth; and the diplomas so granted shall entitle the possessors to the immunities and privileges allowed by usage or statute to the possessors of like diplomas from any university, college or seminary of learning in this Commonwealth: *provided*, that no such honors, degrees or diplomas shall be conferred except by the vote of a majority of the trustees of said corporation.

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

*Approved May 15, 1890.*

**Chap.296** AN ACT RELATING TO INVOICE BOOKS IN COUNTY INSTITUTIONS.

*Be it enacted, etc., as follows:*

Invoice books to be kept in county institutions.

SECTION 1. The master, keeper, superintendent or other officer having charge of any county jail, house of



correction, truant school or other county public institution, shall keep an invoice book in which shall be entered on the day of receipt all bills for supplies for the maintenance of such institution. Such books shall be as nearly uniform as the character of the institutions will admit and shall be kept posted up to date so that the footings shall at any time show the then actual facts relating to such supplies. Such books shall be county property and remain among the records of the institutions to which they appertain.

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

*Approved May 15, 1890.*

AN ACT AUTHORIZING THE PAYMENT OF A BOUNTY TO CERTAIN Chap. 297  
AGRICULTURAL SOCIETIES.

*Be it enacted, etc., as follows:*

Section one of chapter one hundred and fourteen of the Public Statutes is hereby amended by adding at the end thereof the following words:—*provided*, that if there is only one incorporated agricultural society in any county, such society shall be entitled to receive said bounty notwithstanding its exhibition grounds and buildings are within twelve miles of a society entitled to said bounty; and *provided, further*, that such society shall not after having received said bounty forfeit the right to receive the same by reason of the subsequent incorporation of another society within the same county.

Amendment to  
P. S. 114, § 1.

Bounties to  
agricultural  
societies.

*Approved May 15, 1890.*

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR Chap. 298  
SAVINGS TO INVEST IN THE FIRST MORTGAGE BONDS OF THE  
CONCORD AND MONTREAL RAILROAD.

*Be it enacted, etc., as follows:*

SECTION 1. Savings banks and institutions for savings are hereby authorized to invest in the first mortgage bonds of the Concord and Montreal Railroad, notwithstanding such company be formed by the union of two or more companies only one of which has paid regular dividends for the two years next preceding such investment on all its issues of capital stock, and notwithstanding the mortgage indebtedness existing on that part of its road formerly belonging to the Boston, Concord and Montreal Railroad: *provided, however*, that said bonds shall be

Savings banks,  
etc., may invest  
in certain bonds  
of the Concord  
and Montreal  
Railroad.

Proviso.

issued in whole or in part to renew and refund said existing first mortgage indebtedness, and that an amount of such bonds equal at the par value to the amount of such existing mortgage indebtedness shall, by the terms of the mortgage securing the same, be made applicable exclusively to the payment of such existing mortgage indebtedness and, for the purpose of securing such payment at the maturity of the same, shall be deposited with and held by such trust company, incorporated under the laws of this Commonwealth and doing business in the city of Boston, as may be approved by the board of commissioners of savings banks.

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

*Approved May 19, 1890.*

**Chap.299** AN ACT IN RELATION TO THE AGE AND SCHOOLING CERTIFICATES OF CHILDREN EMPLOYED IN FACTORIES, WORKSHOPS AND MERCANTILE ESTABLISHMENTS.

*Be it enacted, etc., as follows :*

Age and schooling certificates of children in factories, etc. 1888, 348, § 4.

SECTION 1. The following words shall appear on all age and schooling certificates enumerated in section four of chapter three hundred and forty-eight of the acts of the year eighteen hundred and eighty-eight after the name of the town or city and date:—This certificate belongs to the person in whose behalf it has been drawn, and it shall be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; and any such corporation or employer refusing to so deliver the same shall be punished by a fine of ten dollars.

Penalty on employer.

SECTION 2. Any corporation or employer holding any age or schooling certificate enumerated in section four of chapter three hundred and forty-eight of the acts of the year eighteen hundred and eighty-eight and refusing to deliver the same to the person in whose behalf it has been drawn, when such person shall leave the employ of said corporation or employer, shall be punished by a fine of ten dollars.

*Approved May 19, 1890.*

**Chap.300** AN ACT AMENDING AN ACT RELATING TO THE APPOINTMENT OF PORT WARDENS AND PILOTS FOR BUZZARD'S BAY AND MARTHA'S VINEYARD.

*Be it enacted, etc., as follows :*

Amendment to P. S. 70, § 12.

SECTION 1. Section twelve of chapter seventy of the Public Statutes is hereby amended by striking out the

words "the said ports respectively", in the seventh line, and inserting in place thereof the words:— any or all of said ports within their jurisdiction,— so that the section shall read as follows:—*Section 12.* There shall be appointed by the governor, with the advice and consent of the council, five port wardens of the ports upon Buzzard's bay and the island of Martha's Vineyard, two of whom shall reside in New Bedford or Fairhaven, two in Dukes county, and one in Wareham, and who shall hold their offices during the pleasure of the governor and council. They shall recommend to the governor suitable persons to be pilots for any or all of said ports within their jurisdiction, who shall receive commissions as such if approved by the governor with the consent of the council.

Port wardens and pilots for Buzzard's bay and Martha's Vineyard.

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

*Approved May 19, 1890.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO LAY OUT A HIGHWAY AND BUILD A BRIDGE ACROSS COLE'S RIVER IN SWANZEY.

*Chap.301*

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of Bristol county may, if in their opinion public convenience and necessity require, lay out a highway and construct a bridge over Cole's river in Swanzey, above the railroad bridge now existing over said river. The plan and location of said bridge shall be subject to the approval and direction of the board of harbor and land commissioners, who shall also determine whether said bridge shall be built with or without a draw.

Highway commissioners may lay out and build bridge across Cole's river in Swanzey.

SECTION 2. The county commissioners may borrow such sum or sums of money on the credit of the county of Bristol as may be necessary to carry into effect the provisions of this act; and they shall determine what cities and towns receive a special benefit from the construction of such bridge, and assess upon them and also upon the county the cost of construction in such manner and in such proportions as they shall deem equitable and just. The cost of repairing and maintaining said bridge shall be paid by the cities and towns in said county, or by the county, in such manner and proportions as shall be determined by the county commissioners. Said commissioners, except as aforesaid, may proceed in the same manner as is now by law provided for laying out and constructing highways

May borrow money, apportion cost, etc.

Repairs and maintenance.

Assessments  
for better-  
ments.

and collecting the cost thereof. The commissioners may make assessments for betterments resulting from the construction of said highway and bridge in like manner and with the same effect that a board of town officers, authorized to lay out ways, may make such assessments under the provisions of chapter fifty-one of the Public Statutes, in towns that have accepted the provisions of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and sixty-nine, or of chapter three hundred and eighty-two of the acts of the year eighteen hundred and seventy-one.

SECTION 3. This act shall take effect upon its passage.  
*Approved May 19, 1890.*

**Chap.302**

AN ACT TO AMEND AN ACT RELATIVE TO THE PUBLICATION AND PRESENTATION TO THE GENERAL COURT OF CERTAIN PETITIONS.

*Be it enacted, etc., as follows :*

Amendment to  
1885, 24, § 1.

Publication of  
certain petitions  
to be presented  
to the general  
court.

Section one of chapter twenty-four of the acts of the year eighteen hundred and eighty-five is hereby amended so as to read as follows :— *Section 1.* Whoever intends to present to the general court a petition for the incorporation of a town or city, or for the division of an existing town or city, or for the incorporation of a railroad, street railway, elevated railroad or canal company, or for the amendment, alteration or extension of the charter or corporate powers or privileges of any such company, either specially incorporated or organized under general laws, or for authority to take water for a water supply, or relative to building structures over navigable or tide-waters, shall give notice of such petition by publishing a copy of the same once a week for three successive weeks in such newspaper or newspapers as the secretary of the Commonwealth, having regard to the locality of the interests involved in such petition, shall direct ; the last publication to be made at least fourteen days before the session at which the petition is to be presented.

*Approved May 19, 1890.*

**Chap.303**

AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE CITY OF SPRINGFIELD.

*Be it enacted, etc., as follows :*

Additional  
water supply  
for the city of  
Springfield.

SECTION 1. The city of Springfield, acting by its board of water commissioners, may, from time to time by purchase or otherwise and for the purpose of increasing its water

supply, take, hold and convey to and into its system of water supply at any point thereof the water of any or all of the ponds, with the land thereunder, and the springs, surface and underground currents tributary thereto, which are located in said Springfield northerly of the north branch of Mill river, so called; and may, for the purpose of increasing its water supply during the months of June, July, August, September and October in each year, take, hold and convey as aforesaid during such months from any convenient point on Jabish brook below Dorman's mill in the town of Belchertown, to an amount to be established in the way hereinafter provided, such a part of the water of said brook as shall be determined by said board to be necessary for the supply of said city with water during all of the said months for the purposes now authorized by law; and may by purchase or otherwise, for the purpose of increasing said water supply during all said months, take all of said water of said brook below said Dorman's mill, and may by purchase or otherwise take any and all land, property, rights of way and easements that may be necessary for holding, storing, preserving and conveying any of said water as aforesaid and for carrying out the objects of this act; and may erect on any land so taken proper dams, reservoirs, fixtures, structures, machinery and apparatus, may make such excavations and provide such other means as may be necessary or advisable for said purpose; and may construct and lay down such conduits, canals, pipes or other works, under, through or over any land, water-courses, railroads and public and private ways, as may be necessary or advisable for said purposes; and for all proper purposes of this act may dig up any such land and, under the direction of the board of selectmen of said town, may enter upon and dig up any such public ways in said town, and may dig up any such ways in said Springfield, in such a manner as to cause the least hindrance to public travel; and shall hold the town in which such ways are located harmless from all liability to parties claiming damages from any cause resulting from its acts.

May erect dams and reservoirs.

May lay down conduits, etc., through public and private ways.

SECTION 2. Said city of Springfield shall, within sixty days after taking any rights of way, easements, land or property for any of the purposes herein authorized, or taking the water of all or any of said ponds with the land thereunder or the springs and currents tributary to such

A description of the land, etc., taken, to be recorded in the registry of deeds.

ponds, file and cause to be recorded in the registry of deeds for the county in which any such land, rights of way, easements, ponds or property taken are situated, a description of such land, rights of way, easements, ponds or property sufficiently accurate for identification; which description shall be signed by said board; and if said city shall elect to take by measurement as herein provided any of the water of said Jabish brook for the supply of said city during said five months it shall file in the registry of deeds for the county of Hampshire, within sixty days after it shall have so elected, a statement in writing, signed by said board, setting forth that it has elected to take such water by measurement under the provisions of this act and in the way herein provided; and upon the filing of said statement as aforesaid said city may proceed, under the authority hereinbefore given, to take any and all land, rights of way, easements and property, and to erect any and all structures, machinery and apparatus, and do any and all acts necessary or advisable for the diversion and use of the water of said Jabish brook by measurement as herein authorized; and it shall provide a suitable method of measuring any water that it shall divert from said brook, which method shall be open to the inspection of any party interested and may be fixed by one or more civil engineers to be appointed, upon the application of any party interested, after due notice and hearing, by any justice of the superior court. Said city, if it takes said water by measurement, shall, by the vote of its board of water commissioners, before diverting any of the water of said brook determine annually the daily quantity of water it elects to divert from said brook during said period of five months; and shall, before diverting the same, file in the registry of deeds for Hampshire county a certificate signed by said board stating the daily quantity of water said city has determined to take and divert as aforesaid; and the filing of said certificate shall be deemed to be the taking and appropriating of the quantity of water therein stated for the period therein named; but said city shall not be liable for damages by reason of the taking and appropriation as aforesaid nor shall any proceedings for the recovery of such damages be maintained until such period of five months shall have expired.

Method for measuring water to be provided.

Amount of water decided to be taken to be stated in certificate and the same to be recorded.

May take all the water below Dorman's mill.

SECTION 3. Said city, acting by said board, may, for said purpose at any time, take all of the water of said brook

at any convenient point below said Dorman's mill during all of said months in each year; and may, at any time, take all of the water of said brook and its tributaries at any convenient point below said mill for the permanent and constant increase of its said water supply; and any election which shall be made by said city, as to the quantity of water it will take and the time during which it will take the same, shall not deprive said city of the right to thereafter take said water in any way authorized by this act and differing from that under which said city may have been taking said water; but whenever said city shall change its method of taking said water and make a new election under the authority thereof, or if it shall take all of the water of said brook, it shall file in the registry of deeds for said county of Hampshire a new certificate as aforesaid, setting forth what quantity of water and for what time it has decided to take the same, and the filing of said certificate shall be deemed to be the taking of the water therein determined; but no damages therefor shall be recovered until the water has actually been diverted.

When city changes its method of taking water, a new certificate to be recorded.

SECTION 4. In estimating the value for manufacturing purposes or the creation of power, of any water taken hereunder by said city, the actual quantity of water to be diverted, withdrawn and conveyed away from said brook only shall be considered; and in no event shall said city be held liable for the value for manufacturing purposes of more water than is actually diverted if the same is taken by measurement as herein provided, or for more water than the construction of the works provided for the conveying of said water will admit of being diverted and withdrawn from the natural flow of said brook, if said water is not taken by measurement as aforesaid. Such quantities of water as may be taken from said brook by said city in times of freshet or flood, or whenever there is a wastage or surplus of water flowing over the dams in the course of said brook below the point of intaking of said city, shall not be charged against said city in estimating and determining damages caused to mill owners and manufacturing corporations by the diversion of said water by the said city of Springfield under the authority of this act, unless actual damage resulting therefrom is shown. If any measurable portion or part of the water withdrawn from said brook by said city at the point of intaking shall at any time during its conveyance through the towns of

Value for manufacturing purposes, to be determined by actual quantity of water taken.

Deduction for waste of water.

Belchertown and Ludlow or after its reception in any storage reservoir or basin of said city, or if any measurable quantity or quantities of water from any source or sources owned and controlled by said city shall be wasted or discharged from the works of said city and restored to any water-course through which the water diverted and withdrawn from said Jabish brook would have naturally flowed had it not been withdrawn and diverted, such quantity or quantities of water shall be deducted from the amount withdrawn from said Jabish brook at the point of intaking in estimating the damages to which any persons or corporations below the point of restoration of said water may be subjected; and the quantity of water being drawn during the different hours of the day shall be taken into consideration.

Water compensation for mills on Chicopee River.

SECTION 5. Said city shall, for the purpose of a water compensation to any parties owning or operating mills or mill privileges on Chicopee river for any water of which they may be deprived by the taking of any of the water of Jabish brook as aforesaid, cause to be released daily, whenever the same can be done without detriment to the supply of water required for its own uses, from Cherry valley reservoir into the old bed of Broad brook, a quantity of water not less than that being taken from said Jabish brook, and the value thereof shall be considered in the estimation of any damages claimed by said parties; and said parties may by appropriate remedy compel said city to thus release said water. Said city shall pay all damages suffered by any person in his property by the taking of any land, rights of way, easements, water rights or property as hereinbefore provided, or from any other acts done under the authority hereof, but no damages shall be recovered from the taking of water until the water is actually diverted. Any damages suffered shall be assessed and determined in the way and manner provided by law when land is taken for the laying out of highways, and all proceedings for the recovery of damages shall be brought within and not later than three years after the right of action accrues; and if said city shall take said water by measurement as hereinbefore provided, any depreciation in the value of the property of any person by reason of any uncertainty in the flow of said brook that shall result from such taking, shall be considered in the first petition brought by any person for damages.

City to pay damages for taking land, etc.

Assessment for damages.



SECTION 6. Said city is authorized to erect at any point on said Jabish brook below the point from which it shall divert any of the water thereof and above the junction of said brook with Swift river, so called, storage reservoirs for the storage of water to compensate any owner of mills or mill privileges for any water of which such owner may be deprived by reason hereof; and the benefit such owner may receive thereby shall be taken into consideration in estimating any damages he may suffer under any acts done under the authority hereof; and for the purpose of the erection of said reservoirs said city may, in the way hereinbefore provided for the taking of other lands, take any and all lands, ways and other property necessary therefor, and erect thereon any and all dams and other structures required for the construction of such reservoirs.

City may erect storage reservoirs.

SECTION 7. The provisions hereinbefore contained shall not be construed to affect or restrict the right of riparian proprietors on said Jabish brook above the land taken and used for the purposes of this act to use said brook for any purpose authorized by law; nor as preventing the use of the water of the brook for the purpose of supplying the town of Belchertown with water for fire and domestic purposes.

Rights of riparian owners on brook above land taken, not to be affected.

SECTION 8. Said city, acting by its city council, is hereby authorized, for the purpose of raising money with which to meet any part of any expense or liability which may hereafter accrue by reason of any acts done under the authority of this act, to issue coupon water bonds, to be signed by the treasurer and the mayor, to an amount not to exceed the sum of two 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 exceed four per centum per annum; to which bonds the sinking fund and water bond provisions of chapter three hundred and forty-five of the acts of the year eighteen hundred and seventy-two and of all the acts in addition thereto and in amendment thereof shall apply.

City may issue coupon water bonds.  
1872, 345.

SECTION 9. All lands in Belchertown which shall be acquired by said city under the authority hereof shall continue liable to taxation by said town at a valuation not exceeding the assessed value thereof by the assessors of said town for the year eighteen hundred and eighty-nine, and the valuation of such lands for the purposes of taxation

Taxation of lands acquired in Belchertown.

Collection and abatement of taxes.

shall not be affected by the flowage thereof or their use for the purposes of this act. Taxes assessed on said lands shall not constitute a lien thereon, but if the same shall remain unpaid for a period of thirty days after written demand for the payment thereof the collector of taxes for said town may bring suit to recover said tax. Said city may at any time prior to the bringing of such suit apply to the county commissioners for Hampshire county in the way and manner provided by statute in other cases of application for abatement of taxes; and if such application is made such suit shall not be brought until such application is decided. Such suit shall be brought within two years after the tax is committed to the collector for collection.

SECTION 10. This act shall take effect upon its passage.

*Approved May 20, 1890.*

*Chap. 304* AN ACT TO PROVIDE A REMEDY IN CASES OF ALLEGED VIOLATION OF LAW BY INSURANCE COMPANIES.

*Be it enacted, etc., as follows :*

Foreign insurance company violating the laws to be notified by the commissioner.

SECTION 1. Whenever, in the opinion of the insurance commissioner, a foreign insurance company doing business in this Commonwealth is conducting or attempting to conduct its business in violation of the laws of this Commonwealth, he shall, unless the supposed violation of law relates only to the financial condition or soundness of the company or to a deficiency in its assets, notify the company not less than ten days before revoking its authority to do business in this Commonwealth; and he shall specify in the notice the particulars of the supposed violation. The supreme judicial court upon petition of said company, brought within the ten days aforesaid, shall summarily hear and determine the question whether such violation has been committed and shall make any proper order or decree therein and enforce the same by any appropriate process. If the order or decree is adverse to the petitioning company, an appeal therefrom may be taken to the full court; and in the case of such appeal the commissioner may issue his order revoking the right of said petitioning company to do business in this Commonwealth until the final determination of the question by the full court aforesaid.

Question to be summarily determined by the S. J. C.

SECTION 2. Neither this act nor any proceedings thereunder shall affect any criminal prosecution or proceeding for the enforcement of any fine, penalty or forfeiture. Criminal prosecution, etc., not to be affected.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

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

*Approved May 20, 1890.*

AN ACT TO PROVIDE FOR THE PRINTING OF LISTS OF ASSESSED POLLS IN TOWNS CONTAINING OVER FIVE THOUSAND INHABITANTS. *Chap.305*

*Be it enacted, etc., as follows :*

The assessors of taxes of every town having over five thousand inhabitants, according to the last state or national census, shall on or before the first day of August in each year cause street lists of the assessed polls of such town, arranged by voting precincts if the town is divided into voting precincts, to be compiled and printed in pamphlet form for public distribution. Said compilation shall be arranged so as to show under the number of the house, or if there is no number then under such other definite description of the dwelling place as will enable it to be readily ascertained, the names of all persons resident in each dwelling and assessed for poll taxes. The said assessors shall send such number of copies thereof as may be required by the board of registrars of voters to the clerk of said board. Lists of assessed polls to be printed for public distribution.

*Approved May 21, 1890.*

AN ACT RELATING TO THE CONTROLLER OF COUNTY ACCOUNTS AND DEFINING THE POWERS OF HIS DEPUTIES. *Chap.306*

*Be it enacted, etc., as follows :*

SECTION 1. Chapter four hundred and thirty-eight of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out the second section thereof and inserting the following: — *Section 2.* The annual salary of said controller shall be twenty-five hundred dollars; said controller may appoint, with the approval of the governor and council and subject to removal with their consent, to assist him in the discharge of the duties of his office, two deputies, each with an annual salary of fifteen hundred dollars; and shall also be allowed the actual expenses of himself and said deputies incurred in travelling in the discharge of official duties. Amendment to 1887, 438. Salary of controller; deputies, — salaries. To be allowed travelling expenses.

Power of  
deputies.

Said deputies shall have the same power as the controller to call upon any officer or person whose accounts are under examination by them, for balances of public funds, whether on hand or on deposit, and may require exhibits or information relating to such accounts.

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

*Approved May 21, 1890.*

**Chap.307** AN ACT FOR THE BETTER PROTECTION OF HUMAN LIFE IN HOTELS  
IN CASE OF FIRE.

*Be it enacted, etc., as follows:*

Fire escapes to  
be provided in  
hotels.

SECTION 1. Every owner, lessee, proprietor or manager of a hotel situated in this Commonwealth shall, on or before the first day of January in the year eighteen hundred and ninety-one, place or cause to be placed a knotted rope or other better appliance for use as a fire escape in every room of said hotel used as a lodging room, except rooms on the ground floor; which knotted rope or other better appliance shall be securely fastened at one end of it to a suitable iron hook or eye to be securely screwed in to one of the joists or timbers next adjoining the frame of the window, or one of the windows, of said room at least five feet from the floor, which rope shall be at all times kept coiled and exposed to the plain view of any occupant of said room; the coil to be fastened in such manner as to be easily and quickly loosened and uncoiled; such rope shall contain knots not more than eighteen inches apart, and a loop on the end at least three inches in length, and shall not be less than one-half inch in diameter and of sufficient length to reach from such window to the ground. Such rope, iron hook or eye and fastenings shall be of sufficient strength to sustain a weight of four hundred pounds, and there shall be plain directions how to use such rope or other better appliance printed and posted within six inches of the hook or eye to which the rope is fastened: *provided, however*, that the owner, lessee, proprietor or manager of a hotel which is otherwise suitably provided with fire escape for the protection of human life in case of fire shall not be required to comply with the foregoing provisions.

Rooms in hotels  
to be annually  
inspected in  
May.

SECTION 2. It shall be the duty of the inspector of buildings of every city or town in the Commonwealth or, if there be no such officer, of the chief engineer or the officer performing the duty of chief engineer of the fire

department of every city or town in the Commonwealth, in the month of May of each year, to inspect every room of every hotel in the city or town in which he is performing the duty of inspector of buildings or of chief engineer, and to ascertain if the provisions of this act are complied with and to report the condition of the rope or other better appliance to the chief of the district police.

SECTION 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and punishable by a fine of not more than five hundred dollars or imprisonment in the county jail or house of correction for not more than six months or by both such fine and imprisonment. Penalties.

SECTION 4. This act shall take effect on the first day of January in the year eighteen hundred and ninety-one. To take effect  
January 1, 1891.

*Approved May 21, 1890.*

AN ACT RELATING TO THE OATHS OF COUNTY TREASURERS AND REGISTER OF DEEDS. Chap.308

*Be it enacted, etc., as follows:*

SECTION 1. All county treasurers and registers of deeds, except in the county of Suffolk, shall be sworn before the county commissioners of their respective counties and due record thereof shall be made by such commissioners. To be sworn before the county commissioners.

SECTION 2. So much of section one of chapter twenty-three and of section six of chapter twenty-four of the Public Statutes as is inconsistent with this act is hereby repealed. Repeal.

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

*Approved May 21, 1890.*

AN ACT TO AMEND THE PUBLIC STATUTES RELATING TO TRUANTS AND TRUANT SCHOOLS. Chap.309

*Be it enacted, etc., as follows:*

Sections thirteen and fourteen of chapter forty-eight of the Public Statutes are amended so as to read as follows: P. S. 48, §§ 13, 14, amended.

— *Section 13.* Whenever a truant school has been established for any county under the provisions of this chapter, it shall be the place of confinement, discipline and instruction for all truants within the cities or towns of said county, unless said cities or towns have made other provisions therefor; and police, district, or municipal courts, Truant schools for a county.

trial justices, and probate courts, shall have jurisdiction, within their respective counties, of the offences described in sections ten and twelve and all acts in amendment thereof and in addition thereto; and may commit truants to such truant school or union truant school as may be established for their respective counties under the provisions of this chapter. *Section 1A.* If three or more towns in any county so require, the county commissioners shall establish at the expense of the county, at a convenient place therein, other than the jail or house of correction, a truant school for the confinement, discipline and instruction of minor children convicted under the provisions of sections ten and twelve and all acts in amendment thereof and in addition thereto; and shall make suitable provisions for the government and control, and for the appointment of proper teachers and officers thereof. But the county commissioners of two, three or four contiguous counties may, and if three or more cities or towns in each of such counties require, shall, at the expense of said counties, establish for said counties at a convenient place therein a union truant school, to be organized and controlled by the chairmen of the county commissioners of said counties in the manner provided for the government and control of county truant schools by county commissioners; and any county so uniting with another county or counties in the support of a union truant school shall not be required to support a truant school of its own.

*Approved May 21, 1890.*

**Chap.310** AN ACT IN RELATION TO THE BUSINESS OF CO-OPERATIVE BANKING.

*Be it enacted, etc., as follows:*

Co operative banks to be incorporated.

SECTION 1. Except as is hereinafter provided, no person, association or corporation shall carry on the business of accumulating the savings of its members and loaning to them such accumulations in the manner of a co-operative bank within this Commonwealth, unless incorporated under the laws thereof for such purpose.

Foreign corporations to make a deposit with the treasurer of the Commonwealth.

SECTION 2. The board of commissioners of savings banks may authorize any such association or corporation duly established under the laws of another state to carry on such business in the Commonwealth, but said association or corporation shall not transact such business in this Commonwealth unless it shall first deposit with the treasurer of the Commonwealth the sum of twenty-five thou-

sand dollars and thereafter a sum equal to fifteen per cent. of the deposits made in such association or corporation by citizens of the Commonwealth, the amount of percentage of deposits so required to be determined from time to time by said board of commissioners of savings banks; or in lieu thereof the whole or any part of said sum may consist of any of the securities named in the first, second and third clauses of section twenty of chapter one hundred and sixteen of the Public Statutes and acts amendatory thereof, at their par value, and the said deposit shall be held in trust by said treasurer for the protection and indemnity of the residents of the Commonwealth with whom such associations or corporations respectively have done or may transact business. Said moneys or property shall be paid out or disposed of only on the order of some court of competent jurisdiction made on due notice to the attorney-general of the Commonwealth, and upon such notice to the creditors and shareholders of such association or corporation as the court shall prescribe. For the purpose of ascertaining the business and financial condition of any such association or corporation doing or desiring to do such business, said board may make examinations of such associations or corporations at such times and at such places as said board may desire, the expense of such examinations being paid by the association or corporation examined, and may also require returns to be made to them in such form and at such times as they may elect. Whenever, upon examination or otherwise, it is the opinion of said board that any such association or corporation is transacting business in such manner as to be hazardous to the public, or its condition is such as to render further proceedings by it hazardous to the public, said board shall revoke or suspend the authority given to said association or corporation, but this section shall not prevent such a bank or institution, incorporated under the laws of another state, from loaning money upon mortgages of real estate located within the Commonwealth.

Disposition of moneys deposited.

Examinations by commissioners.

Authority to do business may be revoked.

SECTION 3. Every such person, association or corporation transacting business in the Commonwealth at the time of the passage of this act shall, within sixty days after such passage, conform to the requirements of this act.

To conform with requirements within sixty days.

SECTION 4. Whoever violates any provision of the preceding sections shall be punished by a fine not exceed-

Penalties.

ing 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.

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

*Approved May 21, 1890.*

**Chap.311** AN ACT TO AUTHORIZE THE CHELSEA YACHT CLUB TO BUILD A CLUB HOUSE NEAR CHELSEA BRIDGE IN MYSTIC RIVER.

*Be it enacted, etc., as follows:*

May drive piles, etc., in Mystic River, under direction of harbor and land commissioners.

SECTION 1. The Chelsea Yacht Club is hereby authorized, subject to the provisions of chapter nineteen of the Public Statutes, to drive not exceeding fifty piles, and to build thereon a club house, with a raft or float, on the easterly side of Chelsea bridge in Mystic river, about one hundred feet northerly from the northerly draw in said bridge. The location of the piles and the manner of building said structure shall be subject to the direction and approval of the board of harbor and land commissioners. The structure hereby authorized shall be occupied and used only for the lawful purposes of said yacht club, and may be removed by said board or by its direction whenever such use ceases or if used for any other purpose.

Authority to build to be obtained from the board of aldermen.

SECTION 2. Said structure shall not be built until authorized by the board of aldermen of the city of Chelsea and shall be removed when ordered by them.

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

*Approved May 23, 1890.*

**Chap.312** AN ACT TO AUTHORIZE THE SELECTMEN OF THE TOWN OF DRACUT TO CANCEL CERTAIN LICENSES AND TO REFUND THE MONEY RECEIVED FOR SAID LICENSES.

*Be it enacted, etc., as follows:*

May cancel licenses and refund money received.

SECTION 1. The selectmen of the town of Dracut are hereby authorized to cancel the licenses to sell intoxicating liquors, granted by them under a vote of the town of the current year authorizing the granting of such licenses, and to refund to the licensees the money received for such licenses, provided the licensee shall assent thereto.

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

*Approved May 23, 1890.*



## AN ACT TO SUPPLY THE TOWN OF IPSWICH WITH WATER.

Chap. 313

*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; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of Ipswich 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 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 take waters of ponds, streams, etc.

May erect dams, fixtures, etc.

May dig up lands and ways.

SECTION 3. The town shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of land, etc., taken, to be recorded in the registry of deeds.

Payment of damages.

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.

No application to be made for damages until water is diverted.

Ipswich 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 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 water commissioners hereinafter provided for. 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 sell securities or pledge the same for money borrowed.

Sinking fund to be established.

Return to state amount of fund.

SECTION 6. The return required by section ninety-one of chapter eleven of the Public Statutes, or acts amenda-

tory thereof, shall state the amount of any sinking fund established under this act.

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 by taxation sufficient, with income from water rates, to pay current expenses, etc.

SECTION 8. 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 polluting or diverting water.

SECTION 9. The said town shall, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Water commissioners to be elected.

To be trustees of the sinking fund.

Vacancies.

SECTION 10. Chapter three hundred and fifty-nine of the acts of the year eighteen hundred and eighty-nine is hereby repealed.

Repeal of 1889, 559.

SECTION 11. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town

Subject to acceptance by a two-thirds vote

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, 1890.*

**Chap.314** AN ACT TO AUTHORIZE SUBORDINATE LODGES OF THE INDEPENDENT ORDER ODD FELLOWS, UNDER THE JURISDICTION OF THE GRAND LODGE OF MASSACHUSETTS, TO HOLD AND TRANSMIT REAL AND PERSONAL ESTATE AS VOLUNTARY ASSOCIATIONS.

*Be it enacted, etc., as follows:*

Subordinate lodges may hold and convey real and personal estate.

SECTION 1. Any subordinate lodge of the independent order odd fellows, duly chartered by and under the jurisdiction of the grand lodge independent order odd fellows of Massachusetts, may take, hold and convey real and personal estate in the name of such subordinate lodge as a voluntary association, under such rules and regulations as may be framed and prescribed therefor by said grand lodge.

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

*Approved May 23, 1890.*

**Chap.315** AN ACT TO AMEND AN ACT IN RELATION TO SAFE DEPOSIT, LOAN AND TRUST COMPANIES.

*Be it enacted, etc., as follows:*

May advance money, on real property in this state, and on personal security. 1888, 413. 1889, 342.

SECTION 1. Every safe deposit, loan and trust company subject to the provisions of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-eight is hereby authorized, subject to the limitations of section one of said act and of chapter three hundred and forty-two of the acts of the year eighteen hundred and eighty-nine, to advance money or credits, whether capital or general deposits, on real property situated within this Commonwealth and on personal security, on terms that may be agreed upon, and also to invest its money or credits, whether capital or general deposits, in the stocks, bonds or other evidences of indebtedness of corporations; and all the rights and privileges necessary for the execution of such powers are hereby granted: *provided*, that no safe deposit, loan or trust company whenever incorporated shall as agent, buy, sell or negotiate any securities or evidences of debt on which said company may not lawfully advance money

Proviso.

or credits, nor as such agent buy, sell or negotiate evidences of debts secured exclusively by real estate under mortgage or deed of trust.

SECTION 2. Any incorporated trust company, or safe deposit and trust company, now transacting business in this Commonwealth and chartered by the legislature of this Commonwealth prior to the passage of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-eight, may by vote of the majority of the stock represented at a special meeting of the stockholders legally called for the purpose accept and adopt as a part of their charters all the provisions of any one section or all the sections of said chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-eight; and thereafter shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in such section or sections as may be thus accepted and adopted: *provided*, that a certificate signed and sworn to by the clerk of such trust company, or safe deposit and trust company, setting forth the fact of such acceptance and adoption shall be filed with the secretary of the Commonwealth and with the board of commissioners of savings banks within ten days from the date of such special meeting.

Certain companies may adopt the provisions of 1888, 413.

Proviso.

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

*Approved May 23, 1890.*

AN ACT TO PROVIDE FOR THE REGISTRATION AND IDENTIFICATION Chap. 316  
OF CRIMINALS.

*Be it enacted, etc., as follows:*

SECTION 1. Every convict now under imprisonment in the state prison or who is hereafter committed thereto, every convict now under imprisonment in the Massachusetts reformatory upon sentence for felony or who is hereafter committed thereto upon such sentence, and every convict now under imprisonment in any jail or house of correction upon a sentence of not less than three years for felony or who is hereafter committed thereto upon such sentence, shall be measured and described in accordance with the system commonly known as the Bertillon method for the identification of criminals. The commissioners of prisons shall appoint persons in the official service of the Commonwealth to make the measurements and descriptions herein required.

Bertillon method to be used for the identification of criminals.

Measure, description, and photograph to be recorded, etc.

SECTION 2. The warden of the state prison, the superintendent of the Massachusetts reformatory, the keeper of any jail or the master of any house of correction shall, respectively, keep a record of such measurements and descriptions together with the criminal history of any convict so measured and described as shown by the records of the courts of this state or of any other state or by any other official records that are accessible; there shall also be attached to the record, or filed in such a manner as to be readily found, a photograph or photographs of any such convict.

District attorney to forward to keeper of prison the criminal history of the convict.

SECTION 3. Whenever a person is convicted of a felony and is sentenced therefor to the state prison, to the Massachusetts reformatory, or to a jail or house of correction for not less than three years, the district attorney who prosecuted the offender shall forward to the officer in charge of the prison to which such convict is sentenced, upon blanks to be furnished by the commissioners of prisons, the criminal history of such convict as shown upon the trial.

Record not to be published, except, etc.

SECTION 4. The record herein named shall not be published except as far as may be necessary for the identification of persons convicted of a felony committed after release from prison. The officer in charge of a prison shall however exhibit the record to any person upon the order of any justice of the superior court or of any district attorney. A copy of the measurements, descriptions and histories herein required shall, upon a request therefor, be furnished by the officer in charge of any prison to the principal officer of a prison in any other state that requires by law the measurement and description of convicts and that has provided for furnishing to other states information concerning criminals.

Not exceeding \$200, to be expended in instruments and appliances.

Travelling expenses to be reimbursed to officer.

SECTION 5. The commissioners of prisons are hereby authorized to expend a sum not exceeding two hundred dollars for the purchase of instruments and appliances for taking the measurements named in this act. No compensation shall be allowed to any officer for performing any services required by this act, but the actual travelling expenses incurred by any officer in the performance of any duty herein required shall be reimbursed to him from the treasury of the Commonwealth.

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

*Approved May 23, 1890.*

AN ACT AUTHORIZING THE CITY COUNCIL OF THE CITY OF HOLYOKE TO ESTABLISH A FIRE DEPARTMENT. *Chap.317*

*Be it enacted, etc., as follows :*

SECTION 1. All the powers and duties conferred by the provisions of chapter one hundred and fifty-four of the acts of the year one thousand eight hundred and seventy-three upon the city council of the city of Holyoke and the mayor and aldermen thereof, in relation to the establishment of a fire department, may be exercised and carried into effect by said city council in such manner as it may from time to time prescribe, and through the agency of any persons acting as a board whom it may from time to time designate: and such persons shall serve without compensation. Said persons or board shall exercise all the powers and duties conferred by existing statutes upon boards of engineers of fire departments or upon any member of said boards of engineers.

City council may establish a fire department, through the agency of a board. 1873, 154.

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

*Approved May 23, 1890.*

AN ACT TO CONFIRM A VOTE OF THE TOWN OF NATICK TO APPROPRIATE A SUM OF MONEY TOWARD THE ERECTION OF A STATUE OF HENRY WILSON. *Chap.318*

*Be it enacted, etc., as follows :*

The vote of the town of Natick at the annual meeting of the current year that the sum of one thousand dollars be appropriated toward the erection of a statue of Henry Wilson is hereby ratified and confirmed.

Vote at annual meeting ratified.

*Approved May 23, 1890.*

AN ACT TO FIX THE TENURE OF OFFICE OF THE POLICE FORCE IN CERTAIN CITIES OF THE COMMONWEALTH. *Chap.319*

*Be it enacted, etc., as follows :*

SECTION 1. All members of the police force of any city of the Commonwealth, except the city of Boston, which accepts this act shall hold office during good behavior and until removed by the mayor of such city for cause deemed by him sufficient after due hearing.

Police to serve during good behavior in cities accepting act.

SECTION 2. All provisions of any general or special act inconsistent herewith are hereby repealed as to any city accepting this act.

Repeal.

Subject to acceptance by the voters.

SECTION 3. The provisions of this act shall be in force in any city of the Commonwealth, except the city of Boston, when it is accepted by the legal voters of such city voting at any annual city election at which the question of such acceptance has been submitted to them by vote of their city council.

*Approved May 23, 1890.*

**Chap.320**

AN ACT TO INCORPORATE THE CITY OF MARLBOROUGH.

*Be it enacted, etc., as follows :*

City of Marlborough incorporated.

SECTION 1. The inhabitants of the town of Marlborough 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 Marlborough, 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.

Government vested in the mayor, the board of aldermen and the common council.

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, and of the buildings and property pertaining thereto, shall be vested in a school committee.

School committee.

Seven wards.

SECTION 3. The territory of said city shall be divided into seven wards, as hereinafter provided.

Election on first Tuesday of December.

SECTION 4. The municipal election shall take place annually on the first Tuesday of December, and the 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 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 this Commonwealth. Any person receiving the highest num-



ber 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. 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 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 order 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. The office of city clerk and city treasurer may be held and filled by one and the same person.

Vacancies.

SECTION 6. All meetings for the election of national, 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.

Election of national, county and district officers.

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 in which the election is held.

Ward rooms for holding meetings.

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.

Mayor to hold office for the municipal year and until successor is elected and qualified.

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 of January next succeeding the election and until his successor is elected and qualified. The mayor 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 of 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 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 an annual salary of one thousand dollars, and the same shall be payable at stated periods. He shall receive no other compensation for his services.

May suspend any officer or work.

Salary.

Mayor to appoint, subject to confirmation, police officers and constables.

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 shall be appointed annually, but 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 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 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.

Compensation of police, etc.

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.

Vacancy in office of mayor.

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 during the remainder of the term. 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 board 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.

One alderman and two common councilmen to be elected by and from each ward.

SECTION 13. On the first Monday of January of each year, 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 one of its own members as president and also by the choice of a clerk not one of its own members, to hold their offices respectively during the municipal year. The clerk shall be sworn to the faithful discharge of his duties, and his compensation shall be fixed

Meeting for organization on the first Monday in January.

Organization of common council.

Organization of  
board of  
aldermen.

by concurrent vote of the city council. The board of aldermen shall choose a president, who, in the absence of the mayor, shall preside at the meetings of the board of aldermen and of the two councils in joint convention. 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 to 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 proceedings, and be the judge of the election of its own members.

Record of pro-  
ceedings.

Duties of city  
clerk.

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 books 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 aldermen, may appoint a clerk *pro tempore* who shall be duly qualified.

Executive  
power vested in  
mayor and  
aldermen.

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 Marlborough 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.

City council to  
make annual  
appropriations.

SECTION 16. The city council shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year; and no further appropriations shall thereafter be made 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 entrusted 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 except that of the public schools as hereinbefore provided. The city council shall not authorize the erection of a school-house or any addition thereto nor pass any appropriation for such purpose until plans of the same have been approved by vote of the school committee, and until such approval has been certified in writing to the council by the chairman of said committee. It shall also have the sole care, superintendence and management of the public grounds and cemeteries 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.

To have care of city buildings, etc.

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 is 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.

Nominations to be made by mayor, subject to confirmation or rejection by aldermen.

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 the laws and

City council may establish ordinances and by-laws and affix penalties.

regulations now in force in the town of Marlborough shall, until they shall expire by their own limitations 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.

City council to lay out streets, etc.; action first to be taken by board of aldermen.

SECTION 19. The city council shall have sole 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 damage sustained thereby; but all questions relating to the subject 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.

Right of appeal.

Purchase of supplies.

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, materials or labor on account of or for the use of the city.

Election of city clerk, treasurer, collector of taxes, city physician, solicitor and auditor.

SECTION 21. The city council shall annually, as soon after their organization as may be convenient, elect by concurrent vote a city treasurer, a collector of taxes and a city-clerk, who shall hold their offices for the current municipal year following their election and until their respective successors shall be elected and qualified; and said city council, 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.

Removal.

Vacancies.

Compensation.

May establish a fire department.

SECTION 22. The city council may establish a fire

department for said city, to consist of a chief engineer and of as many assistant engineers, enginemen, hosemen, hook-and-laddermen, 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 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.

Officers and members to be appointed by mayor and aldermen.

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.

May establish fire limits.

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 of 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 of February then next ensuing and until another is chosen and qualified in his stead. The city council shall annually

Assessors of taxes to be elected by city council.

Assistant assessors.

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 assessors and assistant assessors shall be fixed by concurrent vote of the city council.

Vacancies.

Overseers of the poor to be elected by city council.

SECTION 25. The city council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent vote three persons, legal voters of said city, to constitute a board of overseers of the poor in said city, one to serve for the term of 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, an almoner, who shall serve as clerk of the board, and who may be removed by the board; the compensation of the almoner shall be fixed by the concurrent vote of the city council; the members of the board shall serve without compensation.

Organization.

Superintendent of streets to be elected by mayor and aldermen.

SECTION 26. The mayor and aldermen shall annually in the month of January elect a superintendent of streets, who shall hold office for one year from the first Monday of February in the year in which he shall be chosen and until his successor is chosen and qualified, unless sooner removed. He shall be removable at the pleasure of the mayor and aldermen, and a vacancy may be filled at any time by the mayor and aldermen for the unexpired term. Said superintendent shall receive such compensation for his services as the mayor and aldermen shall from time to time determine, and shall devote his whole time to the service of the city. And said superintendent may appoint one or more foremen to act under his control and direc-

Compensation.



tion, who shall receive such compensation as the mayor and aldermen may from time to time determine. It shall be the duty of the superintendent of streets, under the general care and direction of the mayor and aldermen, to superintend the general state of the streets, roads, sidewalks, sewers, drains, bridges, parks, public places and squares of the city, and to attend to the making and repair of the same. Said superintendent shall perform such further duties, not inconsistent with the nature of his office, as the mayor and aldermen may prescribe. All provisions of law applicable to the collection of city, county and state taxes shall apply to the collection of assessments under this act. Said superintendent shall in general, except as otherwise herein provided, have exclusively the powers and be subject to the duties, liabilities and penalties which are by law given to or imposed upon road commissioners of towns.

To have general care of streets, etc.

To perform duties prescribed by mayor and aldermen.

SECTION 27. The city council first elected under this act shall, as soon as convenient after its organization, elect by concurrent vote 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 in 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 vote nine persons, legal voters of said city, to constitute a library committee, who shall have the supervision, management and care of the public library of said city. Said committee shall be elected to serve, three for three years, three for two years and three for one year from the first Monday of March 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 three persons, legal voters of said city, to serve for three years from

Library committee to have care, etc., of the public library.

the first Monday of February then next ensuing and until their successors are elected and qualified. Said committee shall annually appoint, but not from their own number, one or more librarians, to be under the direction and control of said committee, and may for sufficient cause remove such librarians. The compensation of such librarians shall be fixed by concurrent vote of the city council. Any vacancy occurring in said committee may be filled by concurrent vote of the city council at any time. The city council may at any time remove any member of said committee. The members of said library committee shall serve without compensation.

**SECTION 29.** The city council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent vote three persons, legal voters of said city, to constitute a board of water commissioners in said city, one to serve for the term of 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 and qualified. Said board shall organize annually by the choice of a chairman, and they may annually elect, but not from their own number, a water registrar and superintendent of water works. The water commissioners shall fix the salaries of such superintendent and registrar and may remove them or either of them for sufficient cause. Said commissioners shall have charge of the water works of said city and shall have and exercise all the rights, powers and authority granted to the water commissioners of said town by chapter one hundred and ninety-one of the acts of the year eighteen hundred and eighty and all acts amendatory thereof or supplementary thereto. The compensation of such commissioners shall be fixed by concurrent vote of the city council. All the rights and obligations of the said town of Marlborough in relation to its water supply, and the special powers and authority heretofore conferred by law upon the inhabitants of said town to raise money for the construction and extension of its said water supply, shall be merged in the powers and obligations of the city.

To appoint librarians.

Vacancies.

Board of water commissioners. 1880, 191.

To elect water registrar and superintendent.

Compensation.

SECTION 30. The city of Marlborough shall have and exercise all the rights, powers and privileges granted to the town of Marlborough by chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereto, and shall be subject to all the duties, obligations and liabilities imposed upon said town by said chapter and amendments. The city council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent ballot four persons, legal voters of said city, neither of whom shall be the mayor or an alderman, who, with the mayor and board of aldermen, shall constitute a sewerage construction committee, in whom shall be vested all the powers and privileges given to the construction committee by the provisions of said chapter three hundred and twelve. The members of the construction committee elected by the town of Marlborough under the provisions of said chapter three hundred and twelve, and holding said office at the time of the organization of the city council, shall continue to hold such office until said four members shall have been elected by the city council as hereinbefore provided, and until such election shall have and exercise all the powers and authority pertaining to said office. The mayor and aldermen shall have charge of the sewers and system of sewage disposal authorized by said chapter three hundred and twelve and amendments thereto, when completed as therein provided, and shall thereafter exercise all the rights, powers and authority granted by said chapter and amendments thereto, and by all general laws relative to the duties appertaining thereto. So much of said chapter three hundred and twelve as is inconsistent with this act is hereby repealed.

City to have powers, etc., granted to town by 1888, 312, etc.

Sewerage construction committee to be elected.

Repeal.

SECTION 31. All trust funds now held by the town of Marlborough shall be held, controlled and administered by the city council of the city of Marlborough subject to the same conditions and limitations that now exist.

Trust funds.

SECTION 32. Any vacancy occurring in any one of the boards established under the provisions of sections twenty-four, twenty-five, twenty-seven, twenty-eight and twenty-nine may be filled by the city council by concurrent vote 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.

Vacancies and removals.

School committee.

SECTION 33. The school committee shall consist of a board of eight persons, inhabitants of the city of Marlborough, of whom one shall be elected by ballot from each ward by the qualified voters in said ward, and one shall be the mayor. At the first election under this act there shall be so elected, a member from each of wards one and two, to serve for the term of three years, beginning with the first Monday of January then next ensuing; from each of wards three and four, a member to serve for the term of two years, beginning with the first Monday of January then next ensuing; and from each of wards five, six and seven, a member to serve for the term of one year, 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 for the remainder of the municipal year by the joint ballot of the city council and school committee in convention; and for the unexpired term 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. Said committee shall annually appoint one of their own number to attend the meetings of the board of aldermen and common council for the purpose hereinafter mentioned. They shall annually appoint, but not one of their own number, a superintendent of schools who shall act as secretary of the board. The committee shall fix the salary of such superintendent, and may remove him for sufficient cause. All the rights and obligations of the said town of Marlborough in relation to schools and the grant and appropriations of money for the support of the 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.

Vacancies.

Superintendent of schools.

Chairman of certain boards, etc., to have seats with aldermen and common council.

SECTION 34. The chairman of the board of overseers of the poor and the chairman of the board of water commissioners and the member of the school committee appointed for that purpose, shall be respectively 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.

SECTION 35. All general laws in force in the town of Marlborough when this act shall be accepted, as herein provided, and all special laws heretofore passed with reference to the said town of Marlborough, 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 Marlborough, so far as the same are not inconsistent herewith.

Laws having force in the town to continue in the city.

SECTION 36. The passage of this act shall not affect any rights accruing or accrued, or any suit, prosecution or other legal proceedings 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 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.

Rights not to be affected.

SECTION 37. Upon the acceptance of this act, as herein provided, the selectmen of said town shall forthwith divide the territory 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 the 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-

Territory to be divided into seven wards.

Suitable polling places to be provided.

nine of the acts of the year eighteen hundred and eighty-four and chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine, 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.

Lists of voters to be published.

Selectmen to notify mayor, etc., elect.

SECTION 38. The selectmen shall notify the persons elected mayor, aldermen and common councilmen severally of their election, and shall appoint a place for the first meeting of aldermen and common council on the first Monday of 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 the national, state, district and county officers which may be held after the acceptance hereof.

To provide place for meeting of school committee, and notify members.

Meeting for submission of question of acceptance.

SECTION 39. 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 hereof, except in the months of November and December. At such meetings the polls shall be open not less than eight hours, and the vote 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 ninety, entitled 'An act to incorporate the city of Marlborough,' be accepted?"; and the affirmative votes of the majority of the voters present and voting thereon shall be required for its acceptance. If at the 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 hereof.

SECTION 40. 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.

When to take effect.

*Approved May 23, 1890.*

AN ACT CONCERNING THE INSOLVENCY OF FOREIGN CORPORATIONS. *Chap. 321*  
*Be it enacted, etc., as follows:*

SECTION 1. All foreign corporations which are or may be subject to the provisions of chapter three hundred and thirty of the acts of the year one thousand eight hundred and eighty-four, excepting railroad and banking corporations, may take the benefit of section one hundred and twenty-seven of chapter one hundred and fifty-seven of the Public Statutes and acts amendatory thereof; and sections one hundred and twenty-eight, one hundred and twenty-nine and one hundred and thirty of said chapter shall apply to such corporations so far as any property or assets within the Commonwealth are concerned; and said corporations may be proceeded against in accordance with section one hundred and thirty-six of said chapter in the cases in said section mentioned; and in such proceedings service upon the commissioner of corporations shall be a sufficient notice to the corporation of the presentment of the petition by creditors as authorized by said statutes; and thereupon such further proceedings shall be had as are in said section authorized. The petition shall be presented in the county where said corporation has its principal place of business within the Commonwealth.

Foreign corporations in insolvency in this state. P. S. 157, 1884, 330.

SECTION 2. The assignees appointed under authority of this act shall have all the title, rights, powers, duties and privileges that assignees of Massachusetts corporations have under chapter one hundred and fifty-seven of the Public Statutes so far as any property rights or credits within the Commonwealth, or which may be put into their possession by said corporation, are concerned. And it shall be their duty so far as practicable to distribute such assets in such a manner that all creditors of the insolvent corporation whether within this state or elsewhere shall receive proportionate dividends out of the assets of said corporation, whether the same are within the control of said assignees or not; excepting always, that the claims entitled to priority under chapter one hundred and fifty-

Powers and duties of assignees.

seven of the Public Statutes shall have the same priority under this act as is given in said chapter.

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

*Approved May 23, 1890.*

**Chap.322** AN ACT TO AUTHORIZE THE PROVIDENCE, PONAGANSETT AND SPRINGFIELD RAILROAD COMPANY TO EXTEND ITS ROAD INTO THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

May extend road into this Commonwealth.

SECTION 1. The Providence, Ponagansett and Springfield Railroad Company, a corporation duly established in accordance with the laws of the state of Rhode Island or of the state of Connecticut, is hereby authorized to locate, construct, maintain and operate an extension of its railroad, with one or more tracks, from a point in the boundary line between the Commonwealth and the state of Connecticut, into the city of Springfield through the town of Hampden or Longmeadow or both; to lease or otherwise to acquire the line or property and franchises of any railroad or railroads lying upon or along said route; to take land for the construction or maintenance of said railroad and for terminal facilities in the manner provided by the general laws of the Commonwealth relating to railroad corporations, and to take, carry and transfer persons and property upon such road for hire: *provided, however*, that should said corporation fail to place in the state library, on or before the first day of September in the year eighteen hundred and ninety, a map of the proposed route on an appropriate scale, with a profile thereof on a vertical scale of ten to one as compared with the horizontal scale, accompanied and supported by the report of a skilful engineer founded on actual examination of the route and by other proper evidence showing the character of the soil, the manner in which it is proposed to construct the road, the general profile of the surface of the country through which it is proposed to be made, the feasibility of the route and an estimate of the probable expense of construction; then in that event this act shall be void and of no effect.

May take land for construction, etc.

Proviso.

May mortgage road.

SECTION 2. Said corporation may mortgage that part of its road authorized to be located, built and operated in the 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; and may include in and transfer and convey in any mortgage deed it may execute as security for such bonds transferring and conveying its property and franchise in Rhode Island and Connecticut, the track, land, franchise and other rights and property of said corporation in Massachusetts.

SECTION 3. One director of said railroad corporation shall reside in the Commonwealth, and as to the location, construction, maintenance and operation of its railroad and property in the Commonwealth and the use and management thereof, said corporation shall be subject to the general laws which now are or may be hereafter in force in relation to railroad corporations; and shall have the same rights and be subject to the same liabilities as railroads organized under the general laws of the Commonwealth.

One director to reside in the Commonwealth.

SECTION 4. In the construction of the road there shall be no crossing of a public way at grade.

Public way not to be crossed at grade.

SECTION 5. Said corporation shall locate and construct the extension hereby authorized before the first day of August in the year eighteen hundred and ninety-four.

Location and construction.

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

*Approved May 23, 1890.*

AN ACT TO INCORPORATE THE LOWELL TRUST COMPANY.

*Chap. 323*

*Be it enacted, etc., as follows:*

SECTION 1. Charles H. Hanson, Edward J. Noyes, Thomas C. Lee, John J. Cluen, Daniel J. Murphy, Denis Murphy, John W. Corcoran, John J. Donovan, George M. Harrigan, George B. Loring and William J. Coughlan, their associates and successors, are hereby made a corporation by the name of the Lowell Trust Company, with authority to establish and maintain a safe deposit and trust company in the city of Lowell; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which are now or may hereafter be in force relating to such corporations.

Lowell Trust Company, incorporated.

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

*Approved May 23, 1890.*

**Chap.324** AN ACT TO CONFIRM A VOTE OF THE TOWN OF WARREN TO APPROPRIATE A SUM OF MONEY FOR THE CELEBRATION OF THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE INCORPORATION OF SAID TOWN.

*Be it enacted, etc., as follows:*

One hundred and fiftieth anniversary of the town of Warren.

The vote of the town of Warren at the annual meeting held on the seventh day of April in the year eighteen hundred and ninety, appropriating the sum of two hundred and fifty dollars for the celebration of the one hundred and fiftieth anniversary of the incorporation of said town, is hereby ratified and confirmed. *Approved May 23, 1890.*

**Chap.325** AN ACT TO PROVIDE FOR A REGISTRY OF DEEDS AND REGISTRY OF PROBATE AT PLYMOUTH AND A COURT HOUSE AT BROCKTON.

*Be it enacted, etc., as follows:*

Registries of deeds and of probate in Plymouth and court house in Brockton, to be built.

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized and required to erect in the town of Plymouth a suitable fire-proof building for the registry of deeds and registry of probate; and in the city of Brockton a suitable court house for the better accommodation of courts in said county; and may for said purposes borrow on the credit of the county and expend therefor a sum not exceeding one hundred thousand dollars, of which sum not less than twenty thousand dollars shall be expended in the erection of said fire-proof building at Plymouth.

Commissioners may take land.

SECTION 2. The county commissioners of said county are hereby authorized and required to take and hold, by purchase or otherwise, so much land as they may deem necessary for the erection thereon of a court house in the city of Brockton and for other purposes incidental thereto; and they shall, within thirty days from the time when they shall take any parcel of land under this act, file in the office of the registry of deeds for said county and cause to be recorded a description of the land so taken as certain as is required in a common conveyance of land, with a statement of the purpose for which it is taken; which description and statement shall be signed by said commissioners; and said county shall be liable to pay all damages that shall be sustained by any person or persons by reason of the taking of such land as aforesaid; such damages to be ascertained and determined

Description of land taken, to be recorded in the registry of deeds.

Damages.

in the manner provided for ascertaining and determining damages in the case of laying out, altering and discontinuing of highways. *Approved May 23, 1890.*

AN ACT RELATING TO THE REDUCTION OF CAPITAL STOCK BY STREET RAILWAY CORPORATIONS. Chap.326

*Be it enacted, etc., as follows:*

SECTION 1. The board of railroad commissioners upon the petition of a street railway company for authority to reduce the capital stock of the company, such petition being presented in accordance with a vote of the stockholders at a meeting called for the purpose, may, after a hearing and such examination of the financial condition of the company as it deems requisite, authorize such reduction to be made if it appears to be consistent with the public interest and with the limitations imposed by the general laws and by any special laws to which the corporation may be subject. The certificate of the board specifying the amount of the reduction and such other limitations and provisos as may be deemed expedient shall forthwith be filed in the office of the secretary of the Commonwealth. When such reduction is made no money or other property shall be paid or transferred to the stockholders unless such payment or transfer is specially authorized by the board, and also by a vote of the directors of the corporation taken by yeas and nays at a meeting called for the purpose, and the directors voting therefor shall be jointly and severally liable for the debts or contracts of the corporation existing at the time when the capital is reduced, to the amount of the property paid or transferred to the stockholders.

Reduction of capital stock by railroad corporations.

Certificate of amount of reduction, etc., to be filed in office of secretary of the Commonwealth.

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

*Approved May 23, 1890.*

AN ACT MAKING APPROPRIATIONS FOR FURNISHING THE NEW ARMORIES IN THE CITIES OF BOSTON, LOWELL AND WORCESTER, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. Chap.327

*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 purpose of furnishing the new armories in the cities of Boston, Lowell

Appropriations

and Worcester, and for certain other expenses authorized by law, to wit:—

State lunatic hospital at Taunton.

For certain repairs and improvements at the state lunatic hospital at Taunton, a sum not exceeding fifteen thousand dollars, as authorized by chapter forty-six of the resolves of the present year.

Acts and resolves of province of Massachusetts Bay.

For printing additional copies of volume five of the acts and resolves of the province of the Massachusetts Bay, a sum not exceeding three hundred and twenty-five dollars, as authorized by chapter forty-eight of the resolves of the present year.

John C. Lawrence.

For John C. Lawrence of Boston, the sum of three hundred and fifty dollars, as authorized by chapter forty-nine of the resolves of the present year.

Hezekiah Andrews.

For Hezekiah Andrews, the sum of two hundred dollars, as authorized by chapter fifty of the resolves of the present year.

Report of trustees of agricultural college.

For printing extra copies of a portion of the twenty-seventh annual report of the trustees of the Massachusetts agricultural college, a sum not exceeding two hundred and twenty dollars, as authorized by chapter fifty-one of the resolves of the present year.

City of Quincy.

For the city of Quincy, the sum of two thousand and sixty dollars and fifty cents, as authorized by chapter fifty-three of the resolves of the present year.

Armories.

For furnishing the new armories in the cities of Boston, Lowell and Worcester, a sum not exceeding thirty-one thousand five hundred dollars, as authorized by chapter fifty-four of the resolves of the present year.

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

*Approved May 23, 1890.*

*Chap. 328* AN ACT RELATING TO THE EXPENSES ATTENDING THE COMMITMENT OF PRISONERS.

*Be it enacted, etc., as follows:*

Expense of commitment to be deemed part of expense of prosecution.

SECTION 1. The expense of serving a mittimus or other warrant of commitment shall in all criminal cases be deemed a part of the expense of prosecution, and defendants who pay the costs of prosecution after commitment shall also pay such expense of commitment. The copy of the mittimus in final process, required by existing law to be left with the master, keeper or superintendent of any penal or reformatory institution at the time a prisoner is

Copy of mittimus to contain statement of fees.

committed to such institution, shall contain a detailed statement of the fees of the officers for such commitment.

SECTION 2. Section sixty-five of chapter one hundred and fifty-five of the Public Statutes is amended by adding thereto the following: — And if the appeal was from a sentence to pay a fine and costs, or either of them, the fees of the jailer shall be paid by the appellant if after the appeal is withdrawn he pay the fine and costs as provided in section sixty-three of said chapter.

Amendment to P. S. 155, § 65.

*Approved May 23, 1890.*

AN ACT CONCERNING THE USE OF NAMES BY CERTAIN CORPORATIONS ORGANIZED UNDER THE LAWS OF OTHER STATES OR COUNTRIES AND DOING BUSINESS IN THIS COMMONWEALTH.

*Chap. 329*

*Be it enacted, etc., as follows:*

SECTION 1. All corporations organized under the laws of another state or country, carrying on a banking, mortgage, loan and investment or trust business within this Commonwealth, shall indicate the state or country in which such foreign corporation is chartered or incorporated, upon all its signs, advertisements, circulars, letter heads and other documents containing its name, in letters equally conspicuous with the name of such corporation.

Foreign banking, etc., corporations, doing business in this Commonwealth, to indicate their state or country upon all documents, etc.

SECTION 2. Whoever violates any provision of the preceding section 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.

Penalties.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and ninety.

To take effect July 1, 1890.

*Approved May 23, 1890.*

AN ACT RELATING TO UNCLAIMED FUNDS IN THE HANDS OF CLERKS OF COURTS.

*Chap. 330*

*Be it enacted, etc., as follows:*

SECTION 1. Clerks of courts having in their hands or custody moneys or dividends of any insolvent savings bank or insurance company whose affairs have been wound up in any competent court, which moneys or dividends have remained unclaimed for more than ten years after final settlement ordered by the court in such cases, shall, after deducting therefrom all sums due to said clerks, to the

Moneys of insolvent savings banks, etc., remaining unclaimed for ten years in custody of clerks of courts, to be paid into the state treasury.

respective counties or to the Commonwealth, for fees or expenses of any description, pay over the balance to the treasurer of the Commonwealth and file with him a schedule of the names and residences, so far as known to said clerks or shown by the record, of the parties entitled thereto. The fees and expenses so to be deducted shall be audited and adjusted by the controller of county accounts and paid forthwith to the persons entitled to the same. Upon such payment of fees and expenses and of the balance to the treasurer as aforesaid the responsibility of such clerks for such moneys and dividends shall cease.

When held by treasurer unclaimed, etc., for two years, to escheat to the Commonwealth.

SECTION 2. The funds paid over to the treasurer of the Commonwealth under the provisions of this act shall be held by him in trust for the term of two years; and if not paid over by him in that time to the persons entitled thereto, upon proper demand and satisfactory evidence of the identity of the claimant and of the justice of the claim, such funds shall escheat to the Commonwealth.

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

*Approved May 23, 1890.*

**Chap. 331** AN ACT IN RELATION TO THE COLLECTION OF TAXES AND THE FEE FOR PREPARING A TAX DEED.

*Be it enacted, etc., as follows:*

Collector may send summons, when tax is due, before making demand for payment.

SECTION 1. When a tax is due from any person the collector of taxes may, before making a demand for the payment thereof as required by law, mail post paid or cause to be delivered a summons to such person, stating therein the amount due and that unless the same is paid within ten days, with twenty cents for the summons, the collector will proceed to collect the same according to law.

Amendment to 1889, 334, § 3.

SECTION 2. Section three of chapter three hundred and thirty-four of the acts of the year eighteen hundred and eighty-nine is hereby amended by adding after the words "to wit", in the twelfth line, the words:— For a summons, twenty cents,— and by striking out the words "For preparing deed, one dollar", in the last line of said section, and substituting therefor the words:— For preparing deed, two dollars,— so that said section as amended shall read as follows:— *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

Repeal; amendment. 1888, 390.

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, 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 a summons, twenty cents. For arrest by collector or other officer, one dollar. 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, two dollars.

Collector to complete collection of taxes after term of office expires.

Fees.

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

*Approved May 23, 1890.*

AN ACT TO AMEND THE PUBLIC STATUTES RELATIVE TO PLACING  
OBSTRUCTIONS UPON RAILROAD TRACKS.

*Chap. 332*

*Be it enacted, etc., as follows:*

Section two hundred and four of chapter one hundred and twelve of the Public Statutes is hereby amended by striking out, in the fifth line of said section, the word "five", and inserting in place thereof the word: — twenty, — so that said section as amended will read as follows: — *Section 204.* Whoever wilfully does or causes to be done anything with intent to obstruct an engine or carriage passing upon a railroad, or with intent to endanger the safety of persons conveyed in or upon the same, or aids or assists therein, shall be punished by imprisonment in the state prison for not more than twenty years, or by fine not exceeding five hundred dollars and imprisonment in the county jail for not more than one year, and shall forfeit to the use of the corporation for each offence treble the amount of damages proved to have been sustained thereby, to be recovered in an action of tort.

Amendment to P. S. 112, § 204.

Obstructions upon railroad tracks.

*Approved May 23, 1890.*

**Chap.333** AN ACT TO AUTHORIZE THE CITY OF NEWTON TO DIVIDE WARD  
FOUR INTO VOTING PRECINCTS.

*Be it enacted, etc., as follows:*

May divide  
fourth ward in  
Newton into  
two voting pre-  
cincts.

SECTION 1. The mayor and aldermen of the city of Newton are hereby authorized to divide the fourth ward of said city into two precincts so that the village of Auburn-dale and the territory contiguous thereto shall constitute one such precinct, and the village of Newton Lower Falls and the territory contiguous thereto shall constitute the other precinct. The boundaries of such precincts shall as far as possible be the centre lines of known streets or ways.

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

*Approved May 23, 1890.*

**Chap.334** AN ACT TO PROVIDE FOR THE REGISTRATION OF THE PEDIGREES  
OF HORSES USED FOR BREEDING PURPOSES.

*Be it enacted, etc., as follows:*

Owner of stallion for breeding purposes to file certificate of pedigree, etc., with clerk of city or town.

SECTION 1. The owner or keeper of any stallion for breeding purposes shall, before advertising by written or printed notices the service thereof, file a certificate with the clerk of that city or town in the county in which said stallion is owned or kept, stating the name, color, age and size of the same, together with the pedigree of said stallion as fully as obtainable and the name of the person by whom he was bred. And it shall be the duty of such clerk to record such certificate in a book kept for that purpose. Copies of such certificate duly certified by such clerk may be used in evidence the same as the original in any court in the Commonwealth. The fee of the clerk for recording each certificate shall be twenty-five cents. Whoever neglects to make and file such certificate shall recover no compensation for the services of his said stallion, and if he knowingly and wilfully makes and files a false certificate of the statements aforesaid he shall for each and every offence be subject to a penalty of one hundred dollars.

Fee for recording certificate.

Penalties.

Penalty for giving false pedigree, etc.

SECTION 2. Every person who shall by any false pretence obtain from any club, association, society or company for improving the breed of horses, the registration of any horse in the register of any such club, association, society or company, or transfer of any such registration,



and every person who shall knowingly exhibit, make or give a false pedigree of any horse shall upon conviction thereof be punished by imprisonment for a term not exceeding ninety days in the county jail, or by a fine not exceeding three hundred dollars, or by both such fine and imprisonment.

*Approved May 23, 1890.*

AN ACT RELATING TO THE MASSACHUSETTS SCHOOL FUND.

*Chap.335*

*Be it enacted, etc., as follows:*

SECTION 1. Any moneys which may hereafter be received into the treasury of the Commonwealth from the general government, the disposition of which is not otherwise provided for, shall be paid into the Massachusetts school fund.

Moneys for the school fund.

SECTION 2. In investing the Massachusetts school fund there may be paid from any money in the treasury not otherwise appropriated the premiums on any securities which may be purchased for said fund: *provided*, that the aggregate amount so paid shall not in any one year exceed the sum of fifty thousand dollars.

Premiums on securities purchased for fund.

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

*Approved May 23, 1890.*

AN ACT TO FURTHER REGULATE THE TAKING OF FISH IN NORTH RIVER IN THE COUNTY OF PLYMOUTH.

*Chap.336*

*Be it enacted, etc., as follows:*

SECTION 1. Whoever sets or stretches any seine in North River in the county of Plymouth so as to obstruct the free passage of fish, except when lawfully fishing, or who shall take fish in violation of existing laws regulating the seining of fish in said river, shall be subject to the penalties specified in section six of chapter forty-four of the acts of the year eighteen hundred and eighty-one, and in addition thereto shall forfeit all seines, boats and apparatus used in connection with such use of seines.

Taking of fish regulated. 1881, 44, § 6.

SECTION 2. The preceding section or any existing law shall not be construed to prohibit the use of a hoop net for fishing through ice, the meshes of which shall not be less than two inches in length and the hoop of which shall not be more than five feet in diameter.

Hoop net for fishing through ice not prohibited.

SECTION 3. Whoever uses any torch, lamp or other artificial light to aid in the spearing of eels, or locating fish in said river or in its tributaries, shall for each offence

Use of artificial light forbidden, under penalty.

be subject to a fine of not less than five nor more than twenty dollars.

Seine placed in violation of law to be a common nuisance.

SECTION 4. Any seine set or placed in said river in violation of law is declared to be a common nuisance, and it shall be lawful for any person to take a seine so found and hold it for the period of forty-eight hours, so that the same may if need be seized and libelled in due course of law.

Fish wardens to be appointed.

SECTION 5. The selectmen of the towns of Pembroke, Marshfield, Norwell and Scituate shall each appoint annually one or more persons to be fish wardens who shall be sworn by the town clerk of their respective towns to the faithful performance of their duties and whose duty it shall be to enforce all laws in regard to fishing and the protection of fish in said North river, and to prosecute violations thereof.

Fines, etc., to be for benefit of towns whose officers make complaint.

SECTION 6. All fines imposed, and the proceeds of sales of all seines, boats and apparatus forfeited by virtue of this act, shall be for the benefit of the town or towns whose officer or officers make complaint and prosecute by authority hereof.

*Approved May 23, 1890.*

**Chap.337** AN ACT TO AUTHORIZE THE CITY OF NEWTON TO MAKE AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows :*

May make an additional water loan. 1872, 344, § 5.

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

Whole amount not to exceed \$2,000,000.

Subject to acceptance by city council.

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

*Approved May 23, 1890.*

AN ACT RELATIVE TO THE APPROACHES TO HARVARD BRIDGE IN *Chap.338*  
 BOSTON AND CAMBRIDGE.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter one hundred and fifty-five of the acts of the year eighteen hundred and eighty-two shall be construed to mean that the city councils of the cities of Boston and Cambridge shall each have power and authority to locate, construct and fix the grade of only such portions of the avenues of approach to the bridge as lie within their respective territories outside the harbor lines of Charles river; and that neither city shall have power or authority beyond the harbor lines of said river either to locate, construct or fix the grade of any portion of said avenues within the territory of the other city.

Grade of approaches to Harvard bridge in Boston and Cambridge. 1882, 155.

SECTION 2. The acts and doings of the city of Cambridge in relation to the location, laying out and construction of the avenue of approach to Harvard bridge in said city are hereby ratified and confirmed and made binding upon all parties.

Acts and doings of Cambridge confirmed, and made binding.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

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

*Approved May 26, 1890.*

AN ACT CHANGING THE BOUNDARY BETWEEN THE CITY OF BOSTON *Chap.339*  
 AND THE TOWN OF BROOKLINE.

*Be it enacted, etc., as follows:*

SECTION 1. The boundary line between the city of Boston and the town of Brookline is hereby changed and established, as follows: Beginning at the stone boundary post in the present boundary line between Boston and Brookline near the corner of a greenhouse on land of Quincy A. Shaw, said post being marked B R on its northerly side and B O on its southerly side, and running north forty-one degrees, fifty minutes, fifty-four seconds east, six hundred and eighty-eight and forty-four hundredths feet, to the southerly side of Chestnut street; thence south forty-nine degrees, twenty-six minutes, one second east, five hundred and fifty-seven and two hundredths feet, by the southerly line of said Chestnut street to a point at its intersection with the continuation of the westerly line of Pond avenue; thence south eighty-five

Boundary line between Boston and Brookline changed and established.

Boundary line between Boston and Brookline changed and established.

degrees, fifty-one minutes, seven seconds east, one hundred and seventy-two and seventy hundredths feet; thence north seventy-three degrees, fifty-four minutes, twenty-two seconds east, one hundred and fifty-nine and thirty-one hundredths feet; thence north forty-five degrees, fifty-eight minutes, fifty-five seconds east, one hundred and thirty-six and three hundredths feet; thence north fifteen degrees, forty-one minutes, forty-nine seconds east, seventy-five and fifty-four hundredths feet; thence north thirty-five degrees, thirty-seven minutes, seventeen seconds east, forty-four and sixty-two hundredths feet; thence north fifty-one degrees, thirty minutes, fifty-two seconds east, thirty and sixty-three hundredths feet; thence north seventy degrees, forty-eight minutes, fifty seconds east, forty-four and two hundredths feet; thence south eighty-eight degrees, thirty-one minutes, thirty-two seconds east, forty-seven and fifty-six hundredths feet; thence north fifty-five degrees, twenty-one minutes, forty-nine seconds east, thirty-three and sixty-five hundredths feet; thence south sixty-two degrees, fifty-three minutes, forty-three seconds east, twenty-five and thirty-five hundredths feet; thence north fifty-nine degrees, thirty-seven minutes, forty-seven seconds east, thirty-five and eighty-eight hundredths feet; thence south eighty-four degrees, fifteen minutes, twenty-two seconds east, sixteen and thirty-six hundredths feet; thence north seventy-three degrees, two minutes, no seconds east, twenty-three and fifty-one hundredths feet; thence north forty-eight degrees, sixteen minutes, fifty-seven seconds east, eighteen and ninety-two hundredths feet; thence north eighty degrees, forty-four minutes, forty-five seconds east, twenty-one and ninety-one hundredths feet; thence south sixty-seven degrees, thirty-nine minutes, forty-seven seconds east, twenty-six and four hundredths feet; thence north seventy-one degrees, two minutes, forty-two seconds east, twenty-one and eighty-four hundredths feet; thence north thirty-seven degrees, fifty-seven minutes, twenty seconds east, twenty-nine and six hundredths feet; thence north seventy degrees, twenty-two minutes, twenty seconds east, thirty-one and ten hundredths feet; thence south seventy-one degrees, ten minutes, seventeen seconds east, twenty-nine and forty-seven hundredths feet; thence north fifty-six degrees, forty-six minutes, eleven seconds east, one hundred and fourteen and seventy-six

hundredths feet; thence north twenty-one degrees, thirty-one minutes, thirty-three seconds east, one hundred and sixty-three and twenty hundredths feet; thence north fourteen degrees, forty-three minutes, thirty-four seconds west, sixty-four and eighty-two hundredths feet; thence north twenty-three degrees, no minutes, five seconds east, twenty-nine and sixty-three hundredths feet; thence north nine degrees, thirty-nine minutes, eighteen seconds east, fifty-seven and fifty-five hundredths feet; thence north fourteen degrees, thirty-nine minutes, forty-five seconds west, forty-four and twenty-seven hundredths feet; thence north forty degrees, forty-seven minutes, fifty-seven seconds east, fifty and sixty-one hundredths feet; thence north three degrees, six minutes, eleven seconds east, thirty-three and eighty-eight hundredths feet; thence north sixteen degrees, twenty-five minutes, thirty-eight seconds east, two hundred and fifty-five and sixty-three hundredths feet; thence north no degrees, thirty-five minutes, twenty-seven seconds east, one hundred three and forty-five hundredths feet; thence north seventeen degrees, thirty minutes, forty-three seconds west, sixty-nine and twenty hundredths feet; thence north two degrees, fifty minutes, seven seconds east, forty and eighty-two hundredths feet; thence north fifteen degrees, forty-three minutes, twenty-four seconds east, fifty and thirty-one hundredths feet; thence north thirty-three degrees, six minutes, nineteen seconds east, seventy-two and sixty hundredths feet; thence north forty degrees, thirty-nine minutes, four seconds east, two hundred and seventy-six and forty hundredths feet; thence north nineteen degrees, seventeen minutes, forty-eight seconds east, one thousand five hundred and eighty and eighty hundredths feet, to a point situated one hundred and sixty-three and twenty hundredths feet easterly from the centre line of Pond avenue measured at right angles thereto; thence north one degree, six minutes, twenty-six seconds east, three hundred and sixty-two and sixty-one hundredths feet; thence north thirty-three degrees, thirty-five minutes, twenty seconds east, three hundred and eighty-six and thirty-five hundredths feet; thence north eighteen degrees, forty minutes, forty-two seconds east, one hundred and ninety-six and forty-seven hundredths feet; thence north thirty-one degrees, forty-four minutes, sixteen seconds east, three hundred and eighty-five and

Boundary line between Boston and Brookline changed and established.

Boundary line  
between Boston  
and Brookline  
changed and  
established.

eighteen hundredths feet, to a point situated eighty-seven feet easterly from the centre line of Brookline avenue and measured on the continuation of the southerly side line of Aspinwall avenue; thence north thirty-seven degrees, fifty-nine minutes, fifty-two seconds east, by a line parallel with and eighty-seven feet distant from the centre line of Brookline avenue, fifty feet; thence north thirty-nine degrees, thirty-seven minutes twenty-two seconds east, three hundred and seventy and twenty-six hundredths feet; thence north fifty-two degrees, no minutes, eight seconds west, ninety-seven and fifty hundredths feet, to the centre line of Brookline avenue, intersecting said line at right angles; thence on the continuation of the last mentioned course for a further distance of ninety-seven feet; thence north thirty-four degrees, forty-seven minutes, forty-one seconds east, two hundred and seventeen and thirty hundredths feet; thence north thirty-four degrees, thirty-six minutes, sixteen seconds west, three hundred and ninety-one and forty-five hundredths feet; thence north forty-eight degrees, sixteen minutes, thirteen seconds west, ninety-nine and ten hundredths feet; thence north twenty-three degrees, three minutes, fifteen seconds east, four hundred and twenty-six and seventy-six hundredths feet; thence north nine degrees, ten minutes, forty seconds east, six hundred and eighty-seven and fifty-three hundredths feet; thence north twenty-three degrees, thirteen minutes, twenty-five seconds east, one hundred and seventy-three and sixty-seven hundredths feet; thence north thirty-nine degrees, fifteen minutes, eight seconds east, three hundred and fifty-seven and ninety-nine hundredths feet; thence north sixty-eight degrees, fifty-nine minutes, nine seconds east, three hundred and fourteen and thirty-six hundredths feet; thence north forty-one degrees, fifty-five minutes, six seconds east, one hundred and one and ninety-eight hundredths feet; thence north four degrees, forty-eight minutes, sixteen seconds east, one hundred and sixty-five and seventy-six hundredths feet; thence north fifty-eight degrees, twenty-five minutes, fifty-nine seconds east, five hundred and seven and nine hundredths feet; thence north forty-three degrees, thirty-seven minutes, twenty-five seconds east, four hundred and one and ninety-seven hundredths feet, to a point situated on the continuation southerly of the easterly line of St. Mary street, and four

hundred and eighty-three and seventy eight hundredths feet from the southerly side-line of Monmouth street; thence north twenty degrees, fourteen minutes, eighteen seconds west, by the continuation of the said easterly line of St. Mary street, thirty feet to the present boundary line between Boston and Brookline. Said new boundary line is shown by a red line delineated on a plan drawn by Alexis H. French, dated February first, eighteen hundred and ninety, entitled "Plan showing a proposed change in the boundary line between Boston and Brookline, Massachusetts", on file in the office of the secretary of the Commonwealth.

Boundary line between Boston and Brookline changed and established.

SECTION 2. The inhabitants of the territory hereby set off from the city of Boston shall continue to have all the rights of such inhabitants of the city of Boston which they now have, and be subject to all the liabilities appertaining to such inhabitants of said city to which they are now subject, until they shall have acquired a new domicile according to law; and no person shall by virtue of the change of boundary hereby made acquire a settlement in the town of Brookline; but all persons residing on the territory hereby set off from the city of Boston, who at the present time have a settlement in the city of Boston, shall continue to have a settlement in said city until they shall have acquired a new settlement according to law; and nothing contained in this act shall be construed so as to impair in any way the rights of any person who may be in the process of acquiring a settlement in said city of Boston; and the inhabitants of the territory hereby set off from the town of Brookline shall continue to have all the rights of such inhabitants of the town of Brookline which they now have and be subject to all the liabilities appertaining to such inhabitants of said town to which they are now subject until they shall have acquired a new domicile according to law; and no person shall by virtue of the change of boundary hereby made acquire a settlement in the city of Boston, but all persons residing on the territory hereby set off from said town of Brookline, who at the present time have a settlement in the town of Brookline, shall continue to have a settlement in said town until they shall have acquired a new settlement according to law; and nothing contained in this act shall be construed so as to impair in any way the rights of any person who may be in process of acquiring a settlement in said town of Brookline.

Domicile.

Settlement.

Liability for  
damages.

SECTION 3. The city of Boston and the town of Brookline shall, notwithstanding this act, remain respectively liable for all damages for the taking of land or other acts done by the boards of park commissioners of said city and town respectively prior to the passage of this act; and all remedies and proceedings for the recovery of such damages shall remain in all respects the same as if this act had not been passed.

To convey, each  
to the other, cer-  
tain lands  
acquired for  
park purposes.  
1875, 185.

SECTION 4. The city of Boston shall, within sixty days after the passage of this act, convey in fee simple to the town of Brookline all the land which said city has heretofore acquired for the park authorized by chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-five and which is hereby set off from the city of Boston, but not including any buildings which may be thereon, to be held by said town for the purposes of said park; and the town of Brookline shall in like manner within sixty days after the passage of this act convey in fee simple to the city of Boston, to be held by said city for the purposes of said park, all the land which said town has heretofore acquired for said park and which is hereby set off from the town of Brookline, but not including any buildings which may be thereon; and said town shall also pay to said city of Boston twenty thousand dollars, to be held by the city treasurer subject to the requisitions of the board of park commissioners of the city of Boston, in payment for the lands taken for said park; and the park commissioners of said town may apply to the payment of said sum any moneys heretofore appropriated by said town for the acquisition of land within said town for the park authorized by said chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-five; and in computing for the assessment of betterments the expense of the location and laying out of so much of said park as shall after the passage of this act be within the limits of the town of Brookline, there may be included the said sum of twenty thousand dollars and the actual cost to said town of the land heretofore acquired for said park in said town and hereby set off from said town; and in computing for the assessment of betterments the expense of the location and laying out of so much of said park as shall after the passage of this act be within the limits of the city of Boston, there may be included the actual cost to said city of the land heretofore acquired for said park in said city and hereby set off from said city.

Brookline to  
pay Boston  
\$20,000.

Betterments.



SECTION 5. The park commissioners of the town of Brookline may agree with the directors of the Boston and Albany Railroad Company upon any change of the location of the railroad in said town of Brookline which said park commissioners may think expedient, and said railroad company, and said park commissioners on behalf of said town, may by appropriate conveyances exchange any lands in said town in order to consummate such agreement; and in case of such conveyance, without further proceedings said railroad company shall acquire title for all railroad purposes to the land conveyed to it by said park commissioners, and the town of Brookline shall acquire title for park purposes to the land in said town conveyed to it by said railroad company.

Change of location of Boston and Albany Railroad in Brookline, by agreement.

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

*Approved May 27, 1890.*

AN ACT TO AUTHORIZE THE RHODE ISLAND AND MASSACHUSETTS RAILROAD COMPANY OF MASSACHUSETTS AND THE RHODE ISLAND AND MASSACHUSETTS RAILROAD COMPANY OF RHODE ISLAND TO ISSUE CERTAIN MORTGAGE BONDS AND TO AUTHORIZE THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY TO GUARANTEE THE SAME.

*Chap. 340*

*Be it enacted, etc., as follows:*

SECTION 1. The Rhode Island and Massachusetts Railroad Company of Massachusetts and the Rhode Island and Massachusetts Railroad Company of Rhode Island are hereby authorized to issue their joint and several bonds, to run for a period not exceeding fifty years and to an amount not exceeding one million five hundred thousand dollars, the same to bear interest at a rate not exceeding five per cent. per annum, and to secure the same by a joint and several mortgage upon the franchise and property of said corporations now owned or which may hereafter be owned by them.

May issue joint and several bonds not to exceed \$1,500,000.

SECTION 2. The proceeds of said bonds may be used in double tracking and otherwise improving the present line of the said railroads, from the town of Franklin, Massachusetts, to the village of Valley Falls in the town of Cumberland, Rhode Island, and in the construction and extension of the Rhode Island and Massachusetts railroad of Rhode Island from Valley Falls into and through the city of Providence, Rhode Island, and for no other purpose.

For double tracking and improving line of roads.

New York and  
New England  
Railroad Com-  
pany may guar-  
antee payment.

SECTION 3. The New York and New England Railroad Company, a corporation organized and existing under the laws of the Commonwealth and of the states of Rhode Island, Connecticut and New York, is hereby authorized to guarantee the payment of both principal and interest of said bonds: *provided*, that the provisions of this act are accepted by the votes of a majority in interest of the stockholders of said New York and New England Railroad Company at a meeting called for that purpose.

Leases not  
affected.

SECTION 4. The powers hereby conferred shall in no wise affect any existing leases of the two first named corporations to the New York and New England Railroad Company.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed; and this act shall take effect upon its passage. *Approved May 27, 1890.*

### Chap. 341

#### AN ACT CONCERNING FRATERNAL BENEFICIARY CORPORATIONS.

*Be it enacted, etc., as follows :*

Amendments to  
1888, 429, §§  
9-12.

SECTION 1. Sections eight, nine, ten, eleven and twelve of chapter four hundred and twenty-nine of the acts of the year eighteen hundred and eighty-eight are hereby amended to read as follows:— *Section 8.* Any corporation duly organized as aforesaid, which does not employ paid agents in soliciting or procuring business other than in the preliminary organization of local branches, and which conducts its business as a fraternal society on the lodge system, or limits its certificate holders to a particular order, class or fraternity, or to the employees of a particular town or city, designated firm, business house or corporation, may provide in its by-laws for the payment, from time to time, as required, of a fixed sum by each member, and from this income may make weekly or other payments to any member during a period of disability of such member, or pay a benefit to the member or his family at the end of such period of time as shall be fixed by said by-laws and written in the benefit certificate issued to said member: *provided*, that the sum paid as sick benefits to a member may be deducted from the total amount to become due at the maturity of the certificate. The money derived from assessments as set forth in this section shall be divided into two funds as follows: not exceeding fifty per cent. shall be set aside as a reserve fund for the exclusive payment of matured endowment

May pay sick  
benefits.

Proviso.

Money to be  
divided into  
reserve and  
benefit funds.

certificates; the residue from each assessment shall be placed in a benefit fund to be applied exclusively to the payment of disability benefits, and no portion of the money received from assessments shall be devoted to or used for any other purpose, or carried to any other fund than as herein provided. Assessments shall be called by such corporations only as may be required to pay in full benefits accruing from sickness or disability and the amount aforesaid for the reserve fund: *provided*, that the corporation may have in its benefit fund in anticipation of such claims the amount of one full assessment upon all its members, but no assessment shall be made while there remains unexpended in said benefit fund an amount equal to one assessment as aforesaid. The reserve fund of such corporations which are or shall be organized under this act shall be invested in securities in which insurance companies are allowed by law to invest their capital, and these securities shall be deposited in trust with the treasurer of the Commonwealth; but the corporations shall have at all times the right to exchange any part of said securities for others that the said treasurer may determine to be of equal value and character. No portion of said securities shall be drawn except upon a requisition signed by three-fourths of the executive committee, or other officers corresponding thereto, and endorsed by the insurance commissioner, setting forth that the same is to be used for the purposes of the trust: *provided*, that any such corporation within a period of three months preceding the date of maturity of endowment certificates may make any necessary assessments to enable it to meet such obligations, and carry the entire amount received upon such assessments to the reserve fund; *provided, further*, that any such corporation which pays death benefits may make assessments therefor and may hold at any one time, as a death fund belonging to the beneficiaries of anticipated deceased members, an amount not exceeding one assessment from a general or unlimited membership, or an amount not exceeding in the aggregate one assessment from each limited class or division of its members. *Section 9.* Any corporation organized under or conducting its business in accordance with the provisions of this act, which does not pay a benefit to a member or his family at the end of a fixed period of time, may provide in its by-laws for the payment from time to time as required, of a

Benefit fund.

Reserve fund.

May exchange securities.

Death fund.

May provide for a fixed sum to be paid to beneficiaries of anticipated deceased members.

fixed sum by each member, to be paid to the beneficiaries of deceased members, in such amount and manner as shall be fixed by said by-laws and written in the benefit certificate issued to said member, and payable to the husband, wife, affianced husband, affianced wife, relatives of, or persons dependent upon, such member. Any such corporation may hold as a death fund belonging to the beneficiaries of anticipated deceased members, an amount not exceeding five assessments from a general or unlimited membership, or an amount not exceeding in the aggregate five assessments from each limited class or division of its members. Such fund, if not exceeding one assessment as aforesaid, while held in trust shall be invested in securities in which insurance companies are allowed by law to invest their capital, or deposited in safe banking institutions subject to sight drafts for distribution to the beneficiaries aforesaid.

Death fund.

Emergency fund.

The amount of such fund in excess of one assessment shall be deemed an emergency fund and shall be invested in securities in which insurance companies are allowed by law to invest their capital, or not exceeding twenty per cent. thereof in a building for use and occupancy by the corporation as its home office within this Commonwealth; and such securities shall be deposited in trust with the treasurer of the Commonwealth, but the corporation shall have at all times the right to exchange any part of said securities for others that said treasurer may determine to be of equal value and character. No portion of said securities shall be drawn except upon a requisition signed by three-fourths of the executive committee, or other officers corresponding thereto, and endorsed by the insurance commissioner setting forth that the same is to be used for the purposes of the trust. Such corporation may also provide in its by-laws for the payment from time to time as required of a fixed sum by each member, and from the amount thus received may make weekly or other payments to members during a period of disability. This fund shall be used for no other purposes than herein prescribed, and no assessment therefor shall be called while there remains on hand of such fund an amount equal to that received from one assessment. No contract under this section shall be valid or legal which shall be conditional upon an agreement or understanding that the beneficiary shall pay the dues and assessments, or either of them. *Section 10.*

Securities to be deposited with state treasurer.

Weekly payments during period of disability.

Assessments.

Any corporation organized under or conducting its busi-

ness in accordance with the provisions of this act, and which has no per capita tax, may make not exceeding three assessments per year to meet its reasonably necessary expenses. The purpose of such assessments shall be clearly stated in calls therefor, and no assessment shall be called while the amount of one assessment remains on hand. Any corporation organized as aforesaid which limits its membership to the permanent employees of a particular town or city and which pays only annuities or gratuities contingent upon disability or long service, shall not be subject to the foregoing limitation as to the amount of funds to be held for purposes of its organization, and may accept and hold gifts, legacies or other contributions therefor. No corporation shall re-insure with or transfer its membership certificates or funds to any organization not authorized to do business in this Commonwealth.

Limitation as to amount of funds.

Transfer of membership certificates, etc.

*Section 11.* Fraternal beneficiary corporations, associations or societies organized under the laws of another state, now transacting in this Commonwealth business as herein defined, may continue such business upon the plans heretofore governing them, as reported to the insurance department, and by otherwise conforming to the provisions of this act. *Section 12.* Every corporation doing business under the foregoing provisions shall annually, on or before the first day of March in each year, report to the insurance commissioner the location of its principal office in this Commonwealth, and the names and addresses of its president, secretary and treasurer, or other officers answering thereto; and shall make, under oath, such statements of its membership and financial transactions for the year ending on the preceding thirty-first day of December, with other information relating thereto, as said commissioner may deem necessary to a proper exhibit of its business and standing; and the commissioner may at other times require any further sworn statement he may deem necessary relating to any such corporation.

Foreign fraternal beneficiary associations, etc.

Reports to the insurance commissioner.

SECTION 2. No charter shall hereafter be granted to any corporation to transact the business defined in section eight of chapter four hundred and twenty-nine of the acts of the year eighteen hundred and eighty-eight, as amended by this act.

New charters not to be granted under 1888, 429, § 8.

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

*Approved May 28, 1890.*

*Chap.*342 AN ACT TO AMEND AN ACT TO ESTABLISH A BOARD OF PUBLIC WORKS FOR THE CITY OF NEW BEDFORD.

*Be it enacted, etc., as follows:*

Amendment to 1889, 187, § 1.

Board of public works for the city of New Bedford.

Vacancies.

To serve without compensation.

SECTION 1. Section one of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and eighty-nine is hereby amended by inserting after the words "New Bedford", in the second line of said section, the words:—to consist of the mayor of said city, who shall be chairman, the president of the common council and three other persons to be appointed,—and by striking out, in the seventh line of said section, the words "to be a", and inserting in place thereof the words:—to be members of the,—so that said section as amended shall read as follows:—*Section 1.* A board of public works is hereby established for the city of New Bedford to consist of the mayor of said city, who shall be chairman, the president of the common council and three other persons to be appointed, 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 members of the 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 aforesaid, 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 appointed member of said board. Whenever any vacancy shall occur in said board by death, resignation or otherwise, of any appointed member, 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.

SECTION 2. Section two of said act is hereby amended by striking out the words, in the second and third lines of said section, "by the choice of a chairman from their own number, and", and also the word "other", at the end of said third line, so that said section as amended shall read as follows:— *Section 2.* Annually, on the first Monday of May, said board shall organize by the appointment of such 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.

Amendment to 1889, 167, § 2.

Organization of board.

SECTION 3. This act shall be void unless accepted by a majority of the voters present and voting thereon at the annual municipal election held on the first Tuesday of December in the year eighteen hundred and ninety.

Subject to acceptance by a majority vote.

*Approved May 28, 1890.*

AN ACT TO ENABLE THE CITY OF NEWTON TO ESTABLISH A BOARD OF PUBLIC WORKS.

*Chap. 343*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Newton is hereby authorized by ordinance to establish a board of public works and provide for the number of the members thereof not exceeding five, and the length of their respective terms of office not exceeding five years, but the members thereof may be re-appointed. Such members shall be appointed and may be removed by the mayor and aldermen as provided by the sixth section of the charter of said city, being chapter two hundred and ten of the acts of eighteen hundred and eighty-two, entitled an act to revise the charter of the city of Newton.

May establish a board of public works. 1882, 210, § 6.

SECTION 2. Said city of Newton may by ordinance provide that said board shall have any or all of the following powers and duties: *First.* The construction, maintenance, alteration, repair, care and lighting of highways, streets, ways, sidewalks, bridges and public parks and squares; and that said board may be highway surveyors.

Certain powers and duties may be prescribed by ordinance.

*Second.* The construction, maintenance, alteration, repair and care of public drains and sewers. *Third.* The construction, maintenance, alteration, repair and care of public buildings and property, except that the control of the school buildings shall remain with the school committee. *Fourth.* The construction, maintenance, alteration, repair and care of the water works and the supply and distribution of water.

Ordinances may be amended or repealed.

SECTION 3. Said city of Newton may from time to time amend or repeal any ordinances made under this act and may make new ordinances in any of the respects in which they may make original ordinances under this act, and may amend or repeal the same.

Subject to acceptance by the voters.

SECTION 4. This act shall be submitted to the qualified voters of the city of Newton 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 at said election 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 ninety, entitled 'An act to enable the city of Newton to establish a board of public works', 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 at the beginning of the municipal year in the following January, except as hereinafter provided.

Question to be printed on ballots for use at next state election.

SECTION 5. The secretary of the Commonwealth shall, on the ballots printed for use in the city of Newton at the next election for state, district and county officers, also print the question to be submitted to the legal voters of said city by the provisions of and as stated in section four of this act.

When to take effect.

SECTION 6. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said city shall take effect upon its passage, but it shall not further take effect unless accepted by the legal voters of said city as herein prescribed.

*Approved May 28, 1890.*



AN ACT TO INCORPORATE THE DRACUT WATER SUPPLY COMPANY. *Chap. 344*

*Be it enacted, etc., as follows:*

SECTION 1. Percy Parker, Edward M. Tucke, Martin L. Bassett, Prentiss Webster, August Fels, their associates and successors, are hereby made a corporation by the name of the Dracut Water Supply Company, for the purpose of furnishing the inhabitants of the town of Dracut with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Dracut Water Supply Company incorporated.

Powers and duties.

SECTION 2. The said corporation for the purposes aforesaid, subject to the conditions herein prescribed, may lease, take by purchase or otherwise the waters, or so much thereof as may be necessary, of Tyng's pond or Long pond or both of said ponds and may, upon approval of the state board of health, take the waters of any spring or artesian or driven wells within the town of Dracut and the water rights connected therewith, and may drive wells for the purpose of obtaining water in the town of Dracut; and also take lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of the town of Dracut; and may erect on the land thus taken and held proper buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under and over any lands, water-courses, public or private ways and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all other purposes of this act said corporation may dig up any such lands and, under the direction of the board of selectmen of the town in which any such ways are situated may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take waters of Tyng's pond or Long pond, etc.

May erect structures, etc.

May lay down conduits, etc.

May dig up lands and ways.

SECTION 3. The said corporation shall, within sixty days after the taking of any land, rights of way, water rights, water-courses or easements as aforesaid otherwise

A description of land, etc., taken, to be recorded in the registry of deeds.

than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Payment of damages.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement under authority of this act.

Petition to the county commissioners.

SECTION 5. Any person or corporation who fails to agree with the Dracut Water Supply Company in the matter of damages may petition the county commissioners for an assessment of said damages; which petition must be filed within two years from the committal of the act by said company causing said damage.

May make reasonable charges for water supplied.

SECTION 6. The said corporation may charge a reasonable and proper sum for water supplied to any of the inhabitants of the town of Dracut to whom it furnishes water for the extinguishment of fires and for domestic and other purposes.

Certain lands, springs and water privileges exempt from operation of act.

SECTION 7. None of the powers, rights and privileges herein granted shall be exercised in, upon or over the land of John Ames and the land of Almira Ames, his wife, both comprising about twenty-five acres situated upon or near the boundary line between said town and the city of Lowell, which lands are hereby expressly exempted from the operation of this act, as are also the springs and water privileges and land of Peleg Hamblett situated in the said town of Dracut.

Town of Dracut may purchase franchise and property at any time.

SECTION 8. The said town of Dracut 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 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.

If town and corporation fail to agree upon cost, etc., matter to be determined by S. J. C.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under authority or for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damage 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.

SECTION 10. The capitalization of said corporation shall not exceed the sum of one hundred thousand dollars.

Capital stock.

SECTION 11. 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.

May issue bonds.

*Approved May 28, 1890.*

**Chap.345** AN ACT TO AUTHORIZE THE BOSTON ELECTRIC LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, etc., as follows :*

May increase capital stock.

SECTION 1. The Boston Electric Light Company is hereby authorized to increase its capital stock by issuing, in addition to the amount of capital stock already issued, an amount not exceeding two millions of dollars, so that the entire authorized capital stock of said company shall not exceed three millions of dollars. The new stock hereby authorized may be sold or issued from time to time in accordance with the provisions of existing laws relating to the increase of capital of manufacturing corporations.

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

*Approved May 28, 1890.*

**Chap.346** AN ACT TO AMEND AN ACT RELATING TO SEWER ASSESSMENTS IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows :*

Amendments to 1889, 456, § 1.

SECTION 1. Section one of chapter four hundred and fifty-six of the acts of the year eighteen hundred and eighty-nine is hereby amended by striking out, in the ninth line, the words "the number of square feet", and inserting in place thereof the words: — one cent for each square foot, — and also by striking out all after the word "land", in the tenth line, and before the words "No estate", in the fifteenth line, and inserting in place thereof the words: — *provided, however*, that if the total amount of the assessments for said sewer exceeds the total sum of the cost of the sewer, plus a proportionate part of the cost of the outlet thereof, each of said assessments shall be proportionately reduced, so that the total amount thereof shall be equal to said sum, — so that said section shall read as follows: — *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 one cent for each square foot of land thereof within one hundred feet of such street or strip of land :

Sewer assessments in the city of Boston.

*provided, however,* that if the total amount of the assessments for said sewer exceeds the total sum of the cost of the sewer, plus a proportionate part of the cost of the outlet thereof, each of said assessments shall be proportionately reduced, so that the total amount thereof shall be equal to said sum. 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. Section five of said chapter is hereby amended by striking out, in the second line, the word "assessed", and inserting in the place thereof the words: — on which the assessment was made, — also by striking out, in the fourth and fifth lines, the words "levied and", and also by striking out all after the word "collected", in the fifth line, and inserting in the place thereof the words: — The city collector of said city shall have power to collect, and the assessors of taxes of said city shall have power to abate, such assessments; and all laws relating to the collection and abatement of taxes in said city shall so far as applicable apply to the collection and abatement of such assessments; and when an assessment is made upon a person or corporation by law exempt from the assessment of taxes the said assessors shall notify said collector not to enforce the collection of such assessment; but when an estate, the collection of the assessment upon which has not been enforced under such notice, comes into the possession of another person as owner, the amount of such assessment shall be paid by such new owner in like manner, subject to the same provisions of law as if an original assessment, — so that said section as amended shall read as follows:— *Section 5.* Every assessment made under this act shall constitute a lien upon the estate on which the assessment was made until it is paid, and may with all incidental costs and expenses be collected in the same manner as taxes on real estate are collected. The city collector of said city shall have power to collect, and the assessors of taxes of said city shall have power to abate, such assessments; and all laws relating to the collection and abatement of taxes in said city shall so far as applicable apply to the collection and abatement of such assessments; and when an assessment is made upon a person or corporation by law exempt from the assessment of taxes the said

Amendments to  
1889, 456, § 5.

Assessment to  
constitute a lien  
upon estate.

assessors shall notify said collector not to enforce the collection of such assessment ; but when an estate, the collection of the assessment upon which has not been enforced under such notice, comes into the possession of another person as owner, the amount of such assessment shall be paid by such new owner in like manner, subject to the same provisions of law as if an original assessment.

Assessments to be made under act as amended.

SECTION 3. The board of aldermen of said city shall adjust all sewer assessments made under said act so that the said assessments shall be as if made under the said act as hereby amended, and said city shall thereupon refund any excess in the amount of said assessments paid to said city.

Liability incurred, etc., not to be affected.

SECTION 4. The repeal or alteration by this act of any provisions of law shall not affect any act done, liability incurred, or right accrued and established, or any suit or proceedings to enforce such right or liability, under the authority of the laws hereby repealed or altered, except as hereinbefore provided.

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

*Approved May 28, 1890.*

**Chap. 347** AN ACT TO PROMOTE THE ESTABLISHMENT AND EFFICIENCY OF FREE PUBLIC LIBRARIES.

*Be it enacted, etc., as follows :*

Board of library commissioners to be appointed.

SECTION 1. The governor with the advice and consent of the council shall appoint five persons, residents of the Commonwealth, who shall constitute a board of library commissioners. The governor shall designate the chairman thereof. One member of said board shall be appointed for the term of five years, one for four years, one for three years, one for two years and one for one year ; and thereafter the term of office of the commissioners shall be five years. All vacancies on said board, whether occurring by expiration of term or otherwise, shall be filled by the governor with the advice and consent of the council.

Vacancies.

Board may be asked to advise as to selection of books, etc.

SECTION 2. The librarian or trustees of any free public library may ask said board for advice in regard to the selection of books, the cataloguing of books and any other matters pertaining to the maintenance or administration of the library ; and the board shall give such advice in regard to said matters as it shall find practicable. The board shall make a report of its doings to the general court in January

Report.

of each year, and fifteen hundred copies of said report shall be printed as one of the public document series.

SECTION 3. Said board is hereby authorized and directed to expend, upon the application of the board of library trustees of any town having no free public library owned and controlled by the town, a sum not exceeding one hundred dollars for books for any such town entitled to the benefits of this act; such books to be used by said trustees for the purpose of establishing a free public library, and said commissioners shall select and purchase all books to be provided as aforesaid.

May expend money for books.

SECTION 4. No town shall be entitled to the benefits of this act until such town has accepted the provisions hereof at a regularly called town meeting, and has elected a board of library trustees as provided in chapter three hundred and four of the acts of the year eighteen hundred and eighty-eight, and until said trustees shall have provided, in a manner satisfactory to the board of commissioners, for the care, custody and distribution of the books furnished in accordance with this act.

Subject to acceptance by towns.  
1888, 304.

SECTION 5. Any town accepting the provisions of this act shall annually appropriate from the dog tax, or shall otherwise annually provide for the use and maintenance of its free public library, a sum not less than fifty dollars if its last assessed valuation was one million dollars or upward, or a sum not less than twenty-five dollars if said valuation was less than one million and not less than two hundred and fifty thousand dollars, or a sum not less than fifteen dollars if said valuation was less than two hundred and fifty thousand dollars.

Appropriations by towns for maintenance of library.

SECTION 6. No member of the board of commissioners shall receive any compensation, but the board may expend a sum not exceeding five hundred dollars annually for clerical assistance and incidental and necessary expenses in the discharge of its duties; and all sums expended under the provisions of this act shall be paid from the treasury after the bills therefor have been approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amount due as in case of all other bills and accounts approved by him under the provisions of law.

Commissioners to serve without compensation. Clerical assistance, etc.

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

*Approved May 28, 1890.*

**Chap.348** AN ACT TO DISCONTINUE A TOWN LANDING ON THE TAUNTON RIVER IN THE TOWN OF DIGHTON.

*Be it enacted, etc., as follows :*

May discontinue a town landing.

SECTION 1. The town or public landing place on Taunton river in the town of Dighton, at or near the Needles, so called, and in or near the south-easterly corner of the Rose farm, so called, and so much of the public way leading to the same from the main road as lies easterly of the westerly line of the location of the Old Colony railroad, are hereby discontinued and abolished.

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

*Approved May 31, 1890.*

**Chap.349** AN ACT TO AUTHORIZE THE TOWN OF NORTON TO RECEIVE AND HOLD CERTAIN PROPERTY IN TRUST.

*Be it enacted, etc., as follows :*

May receive and hold certain property in trust.

SECTION 1. The town of Norton is hereby authorized to receive from the executors of the last will of Cyrus Hicks, late of Dedham in the county of Norfolk, deceased, the property devised and bequeathed to said town by said Cyrus Hicks by his said will duly proved and allowed in the probate court for said county of Norfolk ; and to forever hold the same in trust for the uses and purposes set forth in said will, and in a certain instrument known as his declaration of trust, dated June thirtieth in the year eighteen hundred and eighty-three, signed by him and recorded with the town clerk of said town of Norton.

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

*Approved May 31, 1890.*

**Chap.350** AN ACT TO AUTHORIZE THE MOUNT VERNON CEMETERY ASSOCIATION OF WEST BOYLSTON TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Be it enacted, etc., as follows :*

May hold additional real and personal estate. 1852, 81.

The Mount Vernon Cemetery Association of West Boylston, incorporated by chapter eighty-one of the acts of the year eighteen hundred and fifty-two, is hereby authorized for the uses and purposes named in said act of incorporation to take and hold real and personal estate to an amount not exceeding ten thousand dollars.

*Approved May 31, 1890.*



AN ACT AUTHORIZING THE BEVERLY AND DANVERS STREET RAILWAY COMPANY TO LEASE ITS ROAD AND OTHER PROPERTY. *Chap.351*

*Be it enacted, etc., as follows:*

SECTION 1. The Beverly and Danvers Street Railway Company may lease its road and other property to any other street railway company or to any party or parties, subject to the approval of the board of railroad commissioners. May lease road, with approval of railroad commissioners.

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

*Approved May 31, 1890.*

AN ACT IN RELATION TO ADDITIONAL PASSENGER TRAINS UPON THE MILFORD BRANCH OF THE BOSTON AND ALBANY RAILROAD COMPANY. *Chap.352*

*Be it enacted, etc., as follows:*

SECTION 1. The board of railroad commissioners is hereby authorized, upon the petition of twenty legal voters of the town of Milford or twenty legal voters of the town of Holliston, after due notice to the Boston and Albany Railroad Company and such hearing as said board shall deem expedient, if in the judgment of said commissioners the public exigency requires it, to order the said company, within thirty days from the date of said order, to add such additional passenger trains to the Milford branch as to them may seem just and proper. Additional trains upon the Milford branch railroad.

SECTION 2. In case of neglect or refusal of said Company to comply with the provisions of the preceding section the supreme judicial court or any justice thereof sitting in equity in any county shall, upon the petition of ten legal voters of the towns of Milford or Holliston, have full power to make and issue such orders and decrees as may be necessary to compel the specific performance of the provisions of the preceding section by said company; and for every month's delay or refusal on the part of said company to comply with and fulfil the requirements of said preceding section said company shall forfeit and pay over the sum of five hundred dollars, to be recovered in an action of tort to be brought by the attorney-general or the district-attorney for the northern district, for the benefit of the Commonwealth. Orders may be made by the court for specific performance, etc.

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

*Approved May 31, 1890.*

*Chap.353*

## AN ACT RELATING TO THE FEES OF TRIAL JUSTICES.

*Be it enacted, etc., as follows:*

Fees of trial justices.

SECTION 1. In criminal cases the fee of a trial justice shall be: — For receiving complaint, administering oath, issuing a warrant, entering complaint, rendering judgment and recording the same, examining, allowing and taxing costs, filing papers, issuing a subpoena for one or more witnesses, for trial or hearing on any plea whatever, taking recognizance of principal, sureties and witnesses, for a mittimus, and for notice in cases of juvenile offenders, the sum of three dollars, in lieu of all magistrates' fees now allowed by law for such services.

Fees for certifying costs, etc. P. S. 217, § 6.

SECTION 2. For certifying costs to the superior court under section six of chapter two hundred and seventeen of the Public Statutes, there shall be allowed a trial justice, fifty cents for each case taxed and certified; and such costs shall be certified to the superior court at the end of each quarter now provided by law for accounting with county treasurers, without regard to the sittings of said court. On receipt of said certificates or schedules of costs so sent to the superior court, the clerk of the courts shall forthwith transmit the same to the district attorney, who shall, as soon as may be, examine and correct any errors therein and return the same to the clerk of the courts from whom he received them, who shall certify the same to the proper county treasurer for payment, as now provided by law.

Not to apply to pending case.

SECTION 3. This act shall not apply to any pending case.

Repeal.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed.

To take effect July 1, 1890.

SECTION 5. This act shall take effect on the first day of July next.

*Approved May 31, 1890.**Chap.354*

## AN ACT IN RELATION TO THE HOSPITAL COTTAGES FOR CHILDREN IN BALDWINVILLE IN THE TOWN OF TEMPLETON.

*Be it enacted, etc., as follows:*

Allowance for completion of buildings and for increase of water supply.

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 this Commonwealth for the care, training and treatment of diseased, maimed, feeble-minded,

destitute and orphan children, and located at Baldwinville in the town of Templeton, a sum not exceeding thirty thousand dollars, to be expended for the completion of the buildings now in process of erection for the accommodation of said institution, for furnishing the same, and for increasing the water supply and perfecting the system of sewerage.

SECTION 2. Before any of the money authorized in section one shall be expended, the governor with the advice and consent of the council shall appoint a number of trustees sufficient to constitute a majority of the board of trustees of said institution, and the trustees so appointed shall hold their offices for a period of three years; and all vacancies in the trustees so appointed whether occurring by expiration of a term or otherwise shall be filled in like manner; and trustees appointed from a cause other than an expiration of a term, shall hold office only during such unexpired term, unless reappointed. So much of section two of chapter four hundred and forty-one of the acts of the year eighteen hundred and eighty-seven as provides for the appointment of two persons as trustees is hereby repealed.

Majority of trustees to be appointed by the governor.

Repeal.

SECTION 3. All bills for expenditures under this act shall be presented to the auditor of the Commonwealth for approval, and certified to the governor and council in the same manner as other claims against the Commonwealth.

Bills for expenditures to be presented to the auditor.

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

*Approved May 31, 1890.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO INCUR INDEBTEDNESS OUTSIDE ITS DEBT LIMIT TO ERECT AND FURNISH SCHOOL-HOUSES.

*Chap. 355*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Boston, for the purpose of erecting and furnishing school-houses in said city, may, on or before the first day of June, eighteen hundred and ninety, authorize the city treasurer of said city to issue from time to time, as the mayor of said city may request, bonds or certificates of indebtedness to an amount not exceeding five hundred and fifty thousand dollars, to bear interest payable semi-annually at such rate not exceeding four per centum per annum as shall be fixed by said city.

May incur indebtedness beyond the limit for erecting and furnishing school-houses.

And the money raised by the loan as herein authorized shall be used for no other purpose than the erection and furnishing of school-houses in the city of Boston.

City treasurer to sell bonds.

SECTION 2. Said treasurer shall sell such bonds or certificates as issued and retain the proceeds thereof in the treasury of said city and pay therefrom the expenses incurred for the purpose aforesaid: *provided, however*, that he shall pay over to the board of commissioners of sinking funds of said city any premiums received by him in the sale of such bonds or certificates; and said board shall place all amounts so paid by said treasurer into the sinking fund for the payment of the loan hereby authorized.

Proviso.

Not to be included in authorized indebtedness until after Nov. 1, 1890.  
P. S. 29, § 4.  
1885, 178, § 2.

SECTION 3. The indebtedness incurred under this act shall not, until after the first day of November in the year eighteen hundred and ninety, and shall then, be considered or reckoned in determining the authorized limit of indebtedness of the city of Boston under the provisions of section four of chapter twenty-nine of the Public Statutes as modified and amended by section two of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-five.

School committee to have full control of construction, etc.

SECTION 4. The school committee of the city of Boston shall have full power and control of the design, construction, erection and furnishing of all school buildings which may be erected with the proceeds of the loan herein authorized, and are hereby authorized to select and employ an architect or architects to design said buildings and to supervise the construction and erection thereof, and a superintendent or superintendents to take charge of and approve the work; but no work upon any building shall be commenced until full general plans of such building shall have been prepared, and no specific work shall be commenced until the same shall have been duly advertised, proposals for such work shall have been received from responsible parties, and contracts shall have been entered into, with satisfactory guarantees for their performance: *provided, however*, that no contract made under this act shall be valid unless approved by the mayor.

Full plans to be prepared before work is commenced.

Proviso.

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

*Approved June 2, 1890.*

AN ACT TO ANNEX A PART OF THE TOWN OF LONGMEADOW TO THE CITY OF SPRINGFIELD. *Chap. 356*

*Be it enacted, etc., as follows:*

SECTION 1. So much of the town of Longmeadow in the county of Hampden as lies between the present boundary line between said town and the city of Springfield in said county, and the following line, to wit: — Beginning on said boundary line at a granite boundary line monument located at or near the easterly side of Warriner's Pecowsie path; thence running south-westerly in a direct line to a granite boundary line monument on the northerly side of the Stickney road at that point on said road where it turns south after running south-easterly from the main road from said Springfield to Longmeadow street; thence running north-westerly to a granite boundary line monument on the easterly line of said road to Longmeadow street and at or near the intersection thereof by the northerly side of said Stickney road, and thence, in the same line continued, to the Connecticut river; with all of the inhabitants and estates therein is hereby set off from said town and annexed to and made a part of the said city of Springfield, and shall constitute a part of the sixth ward thereof until a new division of the wards of said city is made.

Part of town of Longmeadow annexed to the city of Springfield.

SECTION 2. The inhabitants and estates within the territory above described and the owners of said estates shall continue liable to pay to said town all taxes remaining uncollected and legally assessed upon them and all taxes that may be assessed by said town for the current year; and all of said taxes shall be collected and paid to said town the same as if this act had not been passed. Until the next state valuation the city of Springfield shall, annually after the current year, on or before the month of November pay to said town the proportionate part of the state and county tax assessed upon said town which the valuation of the part set off bears to the valuation of the town according to the valuation made by the assessors of the town in the year eighteen hundred and eighty-nine.

Payment of taxes.

SECTION 3. Until a new apportionment of representatives shall be made the inhabitants of the territory described in the first section hereof shall, for the purpose of electing state and county officers, members of the exec-

Election of state and county officers, etc.

utive 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 said town; and the inhabitants resident therein qualified to vote shall be entitled to vote for said officers and shall be eligible to the office of representative to the general court from the senatorial and representative districts of which said territory now forms a part, and shall vote at the place or places at which the inhabitants of said territory would have voted had this act not been passed.

Settlement of paupers.

SECTION 4. If any person or persons who have heretofore gained a legal settlement in said town by reason of residence in said territory set off as aforesaid, or by having been proprietors of any part thereof, or who may derive such settlement from any such residence or proprietorship, shall come to want and stand in need of relief, aid and support as paupers, they shall be relieved and supported by said city in the same mannner that they would have been by said town had they gained a legal settlement therein.

Public park.

SECTION 5. The park commissioners of said city shall, within three years after said city shall have acquired for purposes of a public park a sufficient title to any part of the Barney estate, so called, lying within said annexed territory, construct within said annexed territory, for light driving only, a park road not less than twenty feet wide and of such grades as said commissioners may deem proper, and running in such courses not unreasonably circuitous for a park road as said commissioners may determine, and extending from Long hill street near the Linus Dickinson homestead to some convenient point on said Stiekney road. Said park road shall not be a public way within the meaning of the statutes of this Commonwealth relating to public ways, but shall be governed by the public park laws thereof and shall be maintained by said commissioners in such manner as they may determine to be consistent with the improvement and maintenance of said territory for park purposes. The inhabitants of said town may, under the rules of said commissioners, use said road with the same rights that the citizens of said Springfield shall have to use the same, but said road shall not at any time be closed for said light driving by gates or bars, or by any rule or regulation of said park commission-

ers, except as shall be necessary for the ordinary repair thereof.

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

*Approved June 2, 1890.*

AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO CONSTRUCT A SYSTEM OF SEWERAGE AND TO PROVIDE FOR THE PAYMENT THEREFOR.

*Chap. 357*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Pittsfield, upon the organization of its municipal government, is hereby authorized, through a board of commissioners to be elected as hereinafter provided, to lay out, construct and maintain a system or systems of sewerage and sewage disposal for said city in accordance with any general plans which have been or may be approved by the state board of health.

May construct systems of sewerage and sewage disposal.

SECTION 2. A board of three commissioners, to be called the commissioners of sewers of the city of Pittsfield, shall be appointed by the mayor of said city as soon after the organization of said city government as practicable, who shall hold their office, one for one year, one for two years and one for three years from the first day of January preceding their appointment; and thereafter on each succeeding January one person shall be annually so appointed as a member of such board who shall hold his office for three years. All said appointments shall be subject to confirmation or rejection by the board of aldermen. Any vacancy in the board may be filled at any time for the unexpired term.

Commissioners of sewers to be appointed.

SECTION 3. Said city may for the purposes of this act carry its sewers under any street, bridge, embankment, railroad, highway or other way in such manner as not unnecessarily 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.

Vacancies.

May carry sewers under streets, etc., and may enter and dig up private land.

SECTION 4. Said board of commissioners, acting for and in behalf of said city, shall have full power to take by purchase or otherwise any lands, water rights, rights of way or easements in the city of Pittsfield necessary for the establishment and maintenance of such systems of sewerage and sewage disposal, and to provide outlets for the discharge of such sewers and sewage.

May take lands, etc., by purchase or otherwise.

SECTION 5. Said city shall pay all damages sustained by any person or corporation in property by reason of

City to pay damages sustained.

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 may offer in court that a specified sum may be awarded.

SECTION 6. 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 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 one offered, not including interest on the sum recovered in damages from the date of the offer, the 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.

Proportion of cost to be assessed upon lands benefited, to be determined by city council.  
P. S. 50.

SECTION 7. The city council may by vote determine what proportion of the cost of the main trunk sewers, the intercepting sewers and the lateral sewers, shall be assessed upon lands or estates benefited thereby, and may make a different rule or proportion for the assessments of the different parts of said sewers as shall seem to said council equitable and right. Said city council shall also determine what allowances shall be made, if any, to persons or estates who have paid assessments for sewers already constructed and which may become useless, in whole or in part, by reason of sewers constructed under this act. The assessments so to be made for the expense of constructing the common sewers shall be made upon persons and estates in the manner provided by chapter fifty of the Public Statutes and acts in amendment thereof; and all provisions of said chapter and acts not inconsistent with this act shall apply to assessments so laid.

County of Berkshire to pay such sums as may be agreed upon.

SECTION 8. The county of Berkshire shall pay toward the construction of such sewers as are necessary for the disposal of the sewage of the county buildings of said county, such sums as may be agreed upon between the county commissioners of said county and the commissioners appointed under this act; and in case they shall not agree, three persons shall be appointed upon the application of either party, by the supreme judicial court, who shall have full power to determine upon the amount



to be paid by said county; and said county commissioners are further authorized to build a sewer to connect with one of the main trunk sewers to be built under this act and to expend such a sum of money as may be necessary for the same. The treasurer of the county of Berkshire shall have power to borrow money, and give the obligation of the county therefor, for any sum to be paid by the county under this act, and upon such terms and for such time as shall be determined by the board of county commissioners.

County treasurer may borrow money for the purpose.

SECTION 9. Said board of commissioners shall make a report of their proceedings and expenditures to said city council whenever required by it; and said board is not authorized to make any contract which involves the expenditure of money without the same having been duly appropriated by the municipal government of Pittsfield. The chairman of the board shall be entitled to the same rights given to the chairman of the board of public works by section thirty-one of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-nine. The board of commissioners shall be entitled to such compensation as shall be voted to them by the city council of the city of Pittsfield.

Commissioners' report; contracts.

Chairman to meet with city council.

Compensation.

SECTION 10. 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 four 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, Pittsfield Sewer Loan, Act of Eighteen Hundred and Ninety; shall be payable at the expiration of periods not exceeding forty years from the date of issue, and shall bear interest payable semi-annually, at a rate not exceeding six per centum 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. But said city may, instead of creating a sinking fund for the payment of said bonds so issued or to be issued, provide by the terms of said bonds that at least ten thousand dollars shall be due and payable each year upon the principal of such bonds,

Pittsfield Sewer Loan, Act of 1890.  
P. S. 29.  
1884, 129.

Sinking fund to be established.

and if so paid said sinking fund need not be established as required by said acts.

Subject to acceptance by a majority vote.

Repeal.

SECTION 11. This act shall be submitted to the qualified voters of the city of Pittsfield for its acceptance, and shall be void unless such voters, voting in their respective wards or precincts at a legal meeting, shall before the first day of January in the year eighteen hundred and ninety-one determine by a majority of ballots to adopt the same. Upon the acceptance of this act by the voters aforesaid so much of the act incorporating the city of Pittsfield aforesaid; so much of chapter one hundred and twenty of the acts of the year eighteen hundred and seventy-eight; and so much of any other act inconsistent herewith are hereby repealed; but nothing in this act shall be construed to take away from the board of public works of said city the charge and control of all main drains and other conduits for the reception and disposal of surface or ground water, constructed by the town of Pittsfield or which may hereafter be constructed by said city, or to waive any penalty tax assessment or the right to collect the same under laws now in force.

*Approved June 3, 1890.*

*Chap. 358* AT ACT IN FAVOR OF THE MASSACHUSETTS HOMEOPATHIC HOSPITAL.

*Be it enacted, etc., as follows:*

Allowance to hospital for a building, etc.

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one hundred and twenty thousand dollars in aid of the Massachusetts Homeopathic Hospital, a charitable corporation organized under the laws of this Commonwealth and located in the city of Boston, to be expended by the trustees thereof for the purpose of building and furnishing an addition to the present building or for building and furnishing a new building for the general purposes of said hospital.

Five trustees to be appointed by the governor.

SECTION 2. In consideration of the grant provided for in section one the trustees of the Massachusetts Homeopathic Hospital shall provide for a representation on their board, of five members, to be appointed by the governor with the advice and consent of the council, during the present year, as follows: two for three years, two for two years and one for one year; and at the expiration of their respective terms of service appointments shall be made for a term of three years; and in further consideration

thereof the said hospital shall forever maintain not less than twenty free beds.

SECTION 3. The Massachusetts Homeopathic Hospital shall accept and comply with the provisions of this act, to the satisfaction of the governor and council, within thirty days from its passage. To be accepted within thirty days.

SECTION 4. All bills for expenditures under this act shall be presented to the auditor of the Commonwealth for approval and certified to the governor and council in the same manner as other claims against the Commonwealth: *provided*, that no larger sum than sixty thousand dollars shall be paid during the year eighteen hundred and ninety. Bills for expenditures to be presented to the auditor.  
Proviso.

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

*Approved June 3, 1890.*

AN ACT AUTHORIZING THE POLICE AND DISTRICT COURTS IN THE COUNTY OF MIDDLESEX TO ESTABLISH UNIFORM RETURN DAYS AND RULES FOR CIVIL BUSINESS IN SAID COURTS.

*Chap. 359*

*Be it enacted, etc., as follows:*

SECTION 1. The several police and district courts of the county of Middlesex are hereby authorized and empowered to establish uniform return days in civil cases and uniform rules for the transaction of civil business in their respective courts. May establish uniform return days and rules for civil business.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

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

*Approved June 3, 1890.*

AN ACT TO AMEND AN ACT RELATING TO THE SALARIES OF THE CLERKS OF COURTS AND THE PAYMENT OF FEES IN THE SUPERIOR COURT AND THE SUPREME JUDICIAL COURT.

*Chap. 360*

*Be it enacted, etc., as follows:*

Section three of chapter two hundred and fifty-seven of the acts of the year eighteen hundred and eighty-eight is hereby amended by inserting after the word "issuing", in the sixth line of said section, the words:— *subpœna*, injunction and, — so that said section as hereby amended shall read as follows:— *Section 3.* There shall be paid to the clerk upon the entry of every suit in the supreme judicial and superior courts, and upon the filing of a petition to the county commissioners, in the several counties, the sum of three dollars, to be in lieu of entry, clerk's Amendment to 1888, 257, § 3.  
Payment of fees in the supreme judicial and superior courts.

term fees, the fee for taxing costs and issuing subpoena, injunction and execution, now authorized by law; and no suit or petition shall be entered by the clerk until said fee is paid. The fee of said clerks for the entry of an indictment or complaint in a criminal case shall be three dollars, which shall be in lieu of the entry and all other clerk's fees now authorized by law. *Approved June 3, 1890.*

**Chap.361**

## AN ACT TO INCORPORATE THE NEWTON CLUB OF NEWTON.

*Be it enacted, etc., as follows:*

Newton Club  
incorporated.

SECTION 1. Heman M. Burr, Robert R. Bishop, William Claffin, Henry E. Cobb, Samuel L. Powers, Edward W. Cate, William J. Follett, James W. French, Albert S. Glover, their associates and successors, are hereby made a corporation by the name of the Newton Club, for the purpose of maintaining a club house and reading room in the city of Newton; with 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 applicable to such corporations.

Powers and  
duties.

Real and per-  
sonal estate.

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

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

*Approved June 3, 1890.*

**Chap.362**

## AN ACT TO AUTHORIZE THE WASHBURN AND MOEN MANUFACTURING COMPANY TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, etc., as follows:*

May increase  
capital stock.

SECTION 1. The Washburn and Moen Manufacturing Company is hereby authorized to increase its capital stock by adding thereto an amount not exceeding one million dollars, at such times and in such sums as its stockholders may determine.

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

*Approved June 3, 1890.*

**Chap.363**

## AN ACT TO PROVIDE FOR ARRANGING AND INDEXING THE PROBATE RECORDS OF THE COUNTY OF PLYMOUTH.

*Be it enacted, etc., as follows:*

Probate records  
to be arranged  
and indexed.

SECTION 1. The register of probate for the county of Plymouth 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; the same to be paid from the treasury of the Commonwealth monthly until the said work shall be completed. The judge of probate for said county shall audit and approve the accounts of the register.

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

*Approved June 3, 1890.*

AN ACT RELATING TO FENDERS AND GUARDS FOR STREET RAILWAY CARS. *Chap. 364*

*Be it enacted, etc., as follows:*

SECTION 1. Street railway companies operating cars propelled by any motive power other than horses shall equip their cars with such fenders and guards as may be required by the board of railroad commissioners; and said board shall have power from time to time to modify or increase such requirements.

Fenders and guards for street railway cars.

SECTION 2. A street railway company which, for more than six months after being notified as to the kind or kinds of fenders and guards required by the board, operates a car not equipped with such fenders and guards, and propelled by any motive power other than horses, at a speed greater than at the rate of seven miles an hour, shall for each offence forfeit a sum not exceeding fifty dollars.

Penalty for not complying with requirements of the railroad commissioners.

*Approved June 3, 1890.*

AN ACT TO AUTHORIZE CITIES TO EXPEND MONEY FOR WATERING THEIR PUBLIC STREETS. *Chap. 365*

*Be it enacted, etc., as follows:*

SECTION 1. Any city may appropriate and expend money for watering its public streets, and may, if it deems it expedient so to do, provide by ordinance that the board of aldermen of the city shall assess upon the owners and occupants of such estates abutting on a street so watered a proportionate share of the cost of such watering.

Cities may expend money for watering streets.

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

*Approved June 3, 1890.*

**Chap.366** AN ACT TO ENABLE THE PROPRIETORS OF THE LOWELL CEMETERY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Be it enacted, etc., as follows :*

May hold additional real and personal estate.

SECTION 1. The proprietors of the Lowell cemetery, in addition to the real estate heretofore conveyed to it, may acquire and hold so much real and personal estate as may be necessary for the objects of its organization; which real and personal estate shall be applied exclusively to the furtherance of such objects.

Conveyance of certain land not to be invalid.

SECTION 2. No conveyance of land heretofore made to said corporation, and used exclusively for the furtherance of the objects of its organization, shall be invalid by reason of any want of authority in said corporation to purchase and hold the same. *Approved June 3, 1890.*

**Chap.367** AN ACT TO AUTHORIZE THE NANTUCKET ELECTRIC STREET RAILWAY COMPANY TO DO BUSINESS AS A COMMON CARRIER.

*Be it enacted, etc., as follows :*

May carry on express business and be a common carrier. P. S. 73.

SECTION 1. The Nantucket Electric Street Railway Company is hereby authorized to carry on the express business and to be a common carrier for the conveyance of goods upon and over any street railway which it is or may be authorized to construct, subject to the provisions of chapter seventy-three of the Public Statutes and of all laws relating to common carriers and express companies.

Electricity as a motive power.

SECTION 2. The use of electricity by said company as a motive power is hereby authorized, and the locations heretofore granted to it by the selectmen of Nantucket are hereby confirmed.

SECTION 3. This act shall take effect upon its passage. *Approved June 3, 1890.*

**Chap.368** AN ACT TO PERMIT RAILROAD OR STREET RAILWAY COMPANIES TO USE THE MEIGS SYSTEM OF ELEVATED RAILWAYS.

*Be it enacted, etc., as follows :*

May use the Meigs system of elevated railway.

SECTION 1. Any railroad or street railway company now or hereafter organized or operated under the laws of this Commonwealth may build and use the Meigs system of elevated railway: *provided*, that each city and town in which the tracks of said company or any part thereof are located shall assent thereto; and said assent in the

Proviso.

case of a city shall be by vote of a majority of all the members of the city council thereof, and in the case of a town, by ballot, by a majority of the voters thereof present at a legal meeting duly warned and called for that purpose; and *provided, also*, that the location in the city of Boston shall have been first approved by the board of railroad commissioners; and also, *provided*, that no portion of this system shall be built upon any part of Boston common.

SECTION 2. The building or use of said railway in any public way shall be deemed a new servitude, for which the parties injured may recover damages in the manner provided by chapter one hundred and twelve of the Public Statutes, sections ninety-four to one hundred and twelve, inclusive, and all the provisions of said chapter relative to security for damages shall be deemed to apply: and *provided, also*, that for the purposes of estimating such damages the abutters on such ways shall be deemed to be the owners of the fee thereof to the centre of such way; and *provided, also*, that the bonds provided for in said chapter one hundred and twelve of the Public Statutes shall be approved by a justice of the superior court instead of by the county commissioners.

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

*Approved June 3, 1890.*

AN ACT TO AMEND AN ACT RELATING TO THE INVESTMENTS OF SAVINGS BANKS.

*Chap. 369*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter ninety of the acts of the year eighteen hundred and eighty-eight is hereby amended by adding after the words "for municipal purposes", in the eighth line of section one, the words:— and refunding bonds issued to take up at maturity bonds which have been issued for other than municipal purposes, but on which the interest has been fully paid,— so that the section as amended shall read as follows:— *Section 1.* In addition to the investments authorized by section twenty of chapter one hundred and sixteen of the Public Statutes, savings banks and institutions for savings may invest their deposits and the income derived therefrom in the legally authorized bonds of the states of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin and Iowa,

Provisos

Parties injured may recover damages. P. S. 112.

Provisos.

Amendment to 1888, 90, § 1.

Investments of savings banks.

Investments of savings banks.

and of the District of Columbia, and in the legally authorized bonds for municipal purposes, and refunding bonds issued to take up at maturity bonds which have been issued for other than municipal purposes, but on which the interest has been fully paid, of any city of the aforesaid states and in the state of New York, which has at the date of such investment more than thirty thousand inhabitants, as established by the last national or state census, or city census, certified to by the city clerk or treasurer of said city and taken in the same manner as a national or state census, preceding such investment, and whose net indebtedness does not exceed five per cent. of the valuation of the taxable property therein, to be ascertained by the last preceding valuation of property therein for the assessment of taxes; and in the note or notes of any citizen of this Commonwealth, with a pledge as collateral of any of the aforesaid securities, the amount invested in such note or notes not to exceed in any case eighty per cent. of the market value of the securities pledged.

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

*Approved June 3, 1890.*

**Chap.370** AN ACT TO AMEND THE PUBLIC STATUTES RELATING TO DIVORCE.

*Be it enacted, etc., as follows:*

Amendment to P. S. 146, § 10.

Chapter one hundred and forty-six of the Public Statutes is hereby amended by adding to the tenth section thereof the following words: — In all libels for divorce where the cause alleged is adultery, and where the adverse party does not appear, or is defaulted, the person alleged to be particeps criminis with the libellee may, in the discretion of the court, be allowed to appear and contest the libel, — so that said section as hereby amended shall read as follows: — *Section 10.* When the adverse party does not appear, and the notice of the pendency of the libel is considered by the court to be defective or insufficient, it may order such further notice as it may consider proper. In all libels for divorce where the cause alleged is adultery, and where the adverse party does not appear, or is defaulted, the person alleged to be particeps criminis with the libellee may, in the discretion of the court, be allowed to appear and contest the libel.

Libels for divorce.

*Approved June 3, 1890.*



AN ACT IN RELATION TO BONDS ISSUED BY ELECTRIC LIGHT COMPANIES.

*Chap.371*

*Be it enacted, etc., as follows :*

SECTION 1. Any company now or hereafter established under the laws of the Commonwealth and having the right to erect and maintain posts, wires or other fixtures in, over or under public streets and highways for the purpose of furnishing electricity for light or power, is hereby authorized, subject to the provisions of this act, to secure the payment of bonds issued or to be issued by such corporation by a mortgage of its franchise in connection with its tangible property; so that all persons acquiring any posts, wires or fixtures by, through or under such mortgage shall have the same rights and be subject to the same obligations with respect to the erection, care and maintenance of such posts, wires and fixtures as would be vested in and imposed upon the corporation itself had not such mortgage been made. Such mortgage and all bonds hereafter issued shall be authorized by vote of a majority in interest of the stockholders of the company at a meeting called for that purpose; and the rate of interest on such bonds shall not exceed six per centum per annum.

Bonds issued by electric light companies.

To be authorized by vote of a majority in interest.

SECTION 2. No bonds shall be issued by any such company for an amount exceeding its capital stock which shall at the time have been actually paid in and applied to the purposes of the corporation; and the proceeds of all bonds shall be applied to the payment of obligations incurred for the enlargement or extension of the plant or the purchase of real estate for the use of the company, or for the payment of liabilities existing at the time of the passage of this act.

Not to be in excess of capital stock actually paid in.

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

*Approved June 3, 1890.*

AT ACT TO AMEND AN ACT RELATING TO THE NORTH PARISH IN HAVERHILL.

*Chap.372*

*Be it enacted, etc., as follows :*

Section four of chapter seventy-seven of the acts of the year eighteen hundred and twenty-two is hereby amended by striking out in the eleventh line the words "congregational" and "minister", and inserting in the place of the word "minister" the word: — ministry, — and by strik-

Amendments to 1822, 77, § 4.

Amendments to  
1822, 77, § 4.

Gifts, grants,  
etc., hereafter  
made to be  
valid.

Proviso.

ing out all after the word "parish", in said eleventh line, to and including the word "same", in the fifteenth line, and by striking out the words "the other two-thirds of the", in the sixteenth and seventeenth lines thereof, and by inserting after the word "being", in the eighteenth line, the words:—or other expenses of said parish,— and by striking out all after the word "purpose", in the nineteenth line, to and including the word "purpose", in the twenty-fourth line of said section, also by striking out the words "during said settlement", in the twenty-sixth line thereof, and by inserting after the word "ministry", in the twenty-seventh line, the words:—or use of said parish,— so that said section as amended shall read as follows:— *Section 4. Be it further enacted, That any gift, grant, bequest or devise hereafter made to said trustees shall be valid and effectual to all intents and purposes whatsoever; and said trustees shall hold, use and appropriate said gifts, grants, bequests and devises according to the directions, intentions and limitations of the donors, testators and devisors. And said trustees and their successors in office are hereby empowered to take, have, hold, purchase and exchange, use and improve, any estate, real or personal, the annual income whereof shall not exceed the sum of one thousand dollars, in trust for the support and maintenance of the gospel ministry of said parish; and during the vacancy of such settled and ordained minister, said income may by vote of the parish be appropriated to the payment of the ministry for the time being or other expenses of said parish, and may be placed in the hands of the parish treasurer for that purpose: provided, the parish at a legal meeting shall vote the appropriation; and if the parish do not annually appropriate the whole or any part of said fund for said use of the minister or ministry or use of said parish, then the same or any part thus unappropriated shall annually be added to the principal or capital fund.*

*Approved June 3, 1890.*

**Chap. 373** AN ACT AUTHORIZING THE TREASURER TO RECEIVE FROM THE UNITED STATES ANY SUM OF MONEY FOR THE BENEFIT OF THE MASSACHUSETTS SOLDIERS' HOME.

*Be it enacted, etc., as follows:*

Treasurer may  
receive from the

SECTION 1. The treasurer and receiver-general of the Commonwealth is hereby authorized to receive from the

United States any and all sums of money which may be authorized to be paid by any act of congress for the benefit of the Massachusetts soldiers' home. The sums so received shall be paid over to the treasurer of said soldiers' home, or to such person or persons authorized to receive the same, without any appropriation therefor.

United States moneys for the benefit of the Massachusetts Soldiers' Home.

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

*Approved June 3, 1890.*

AN ACT TO REQUIRE CLERKS OF COURTS TO FORWARD CERTAIN PAPERS TO THE ATTORNEY-GENERAL. *Chap.374*

*Be it enacted, etc., as follows:*

SECTION 1. It shall be the duty of clerks of courts to cause to be printed and forwarded to the attorney-general, at Boston, one or more copies of all bills of exceptions and reports of cases in which the Commonwealth is a party, or interested, as soon as may be after the same have been allowed and filed.

Clerks of courts to forward certain papers to the attorney-general.

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

*Approved June 3, 1890.*

AN ACT CONSTITUTING NINE HOURS A DAY'S WORK FOR ALL LABORERS, WORKMEN AND MECHANICS EMPLOYED BY OR ON BEHALF OF THE COMMONWEALTH OR ANY CITY OR TOWN THEREIN. *Chap.375*

*Be it enacted, etc., as follows:*

SECTION 1. Nine hours shall constitute a day's work for all laborers, workmen and mechanics now employed or who may be employed by or on behalf of the Commonwealth of Massachusetts or any city or town therein; and all acts and parts of acts inconsistent with this act are hereby repealed.

Nine hours to be a day's work for workmen, etc., employed by the state, city, or a town.

SECTION 2. This act shall take effect on the first day of January in the year eighteen hundred and ninety-one.

To take effect January 1, 1891.

*Approved June 3, 1890.*

AN ACT TO INCORPORATE THE LAWYERS LOAN AND TRUST COMPANY. *Chap.376*

*Be it enacted, etc., as follows:*

SECTION 1. James R. Carret, Frederick C. Bowditch, William Minot, Jr., Francis V. Balch, Grenville H. Norcross and Charles S. Rackemann, their associates and successors, are hereby made a corporation by the name of the Lawyers Loan and Trust Company, with authority to establish and maintain a loan and trust company in the

Lawyers Loan and Trust Company, incorporated.

city of Boston; 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 relating to such corporations.

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

*Approved June 3, 1890.*

**Chap.377** AN ACT IN RELATION TO THE ATTACHMENT OF THE PROPERTY OF NEWSPAPER OFFICES.

*Be it enacted, etc., as follows:*

Demand to be made for other property which may be attached, twenty-four hours before attachment of presses, etc., may be made.

SECTION 1. The press, type, stands, cases, paper and other personal property used in printing and publishing newspapers shall not, within forty-eight hours previous to the issue of any edition of a newspaper, be attached upon mesne process unless the officer making such attachment has at least twenty-four hours previous thereto demanded of the owners or managers thereof other property upon which to make such attachment, equal in value to the ad damnum of the writ, and such owners or managers have refused or neglected to comply with such demand; and such attachment shall be void unless the officer certifies in his return that he has made such demand, and the time when the same was made, and that the same has been refused and not complied with.

Attachment to take effect from time of demand.

SECTION 2. Any such attachment so made after such notice shall take effect from the time of the demand as aforesaid, so far as to take precedence of any mortgage, pledge, conveyance or attachment made subsequent to the time of making such demand. *Approved June 3, 1890.*

**Chap.378** AN ACT FOR THE PREVENTION OF FIRE AND THE PRESERVATION OF LIFE AT THE STATE HOSPITALS AND ASYLUMS FOR THE INSANE.

*Be it enacted, etc., as follows:*

Fire escapes to be provided for state hospitals and asylums.

SECTION 1. All state institutions devoted in whole or in part to the treatment, care and maintenance of the insane shall be provided with properly constructed iron fire escapes upon the outside thereof and connected with the interior by doors or windows, with suitable landings at every story above the first, including the attic, where the same are occupied as day rooms or sleeping rooms for the insane.

To be provided with apparatus for extinguishment of fire.

SECTION 2. All such state institutions shall be provided with suitable apparatus for the extinguishment of

fire, so constructed and arranged as to be effectually used from the inside or outside of the buildings or parts thereof used for the accommodation of insane persons.

SECTION 3. The trustees of each of such state institutions shall make suitable provisions by by-laws or otherwise for a monthly inspection and trial of such fire apparatus and for a proper organization and monthly drill of their officers and employees in the use of the same.

Officers and employees to be drilled in use of apparatus.

SECTION 4. This act shall take effect upon its passage.  
*Approved June 3, 1890.*

AN ACT IN ADDITION TO AN ACT TO AID SMALL TOWNS TO PROVIDE THEMSELVES WITH SCHOOL SUPERINTENDENTS.

*Chap. 379*

*Be it enacted, etc., as follows:*

SECTION 1. Section four of chapter four hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out, in the first and second lines, the words "twelve thousand five hundred dollars", and inserting in place thereof the words: — twenty-seven thousand dollars, — so that the section shall read as follows:— *Section 4.* A sum not exceeding twenty-seven thousand dollars shall be annually appropriated for the purposes of this act.

Amendment to 1888, 431, § 4.

Annual appropriation to be made.

SECTION 2. This act shall take effect upon its passage.  
*Approved June 3, 1890.*

AN ACT RELATING TO THE EXAMINATION AND CERTIFICATION OF THE ACCOUNTS OF COUNTY TREASURERS.

*Chap. 380*

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-eight of chapter twenty-three of the Public Statutes is hereby amended by striking out, in the fourth line, the words "the correctness of such statements shall be certified by the board of examiners, and, when so certified."

Examination of accounts of county treasurers. P. S. 23, § 28.

SECTION 2. Section thirty-two of said chapter twenty-three of the Public Statutes is hereby repealed.

Repeal. P. S. 23, § 32.

SECTION 3. When the controller of county accounts makes the examination of the accounts of county treasurers required by law, if the same are found to be correct he shall so certify on the cash books of the treasurers and shall set forth at length the amount of the balance existing on the day that the examination is completed.

Controller to certify result of examination.

SECTION 4. This act shall take effect upon its passage.  
*Approved June 3, 1890.*

**Chap.381** AN ACT TO PROTECT CANDIDATES FOR PUBLIC OFFICE AGAINST ANONYMOUS CIRCULARS OR POSTERS.

*Be it enacted, etc., as follows :*

Anonymous circulars not to be posted, etc., to defeat candidates for public office.

Whoever intentionally writes, prints, posts or distributes, or causes to be written, printed, posted or distributed, a circular or poster which is designed or tends to injure or defeat any candidate for nomination or election to any public office, by reflecting upon his personal character or political actions, unless there appears upon such circular or poster in a conspicuous place either the names of the chairman and secretary, or at least the names of two officers of the political or other organization issuing the same, or the name of some voter of the Commonwealth, as responsible therefor, shall be punished by fine not exceeding one hundred dollars or by imprisonment in jail not exceeding six months.

*Approved June 3, 1890.*

**Chap.382** AN ACT RELATING TO CROSSINGS AT GRADE BY RAILROADS FOR PRIVATE USE.

*Be it enacted, etc., as follows :*

Railroad commissioners may limit number of tracks and impose other conditions.

When the consent of the board of railroad commissioners is required for a crossing of a way or travelled place by a railroad for private use, said board may limit the number of tracks and may impose such other conditions in relation to the use of the crossing by said railroad as may be deemed expedient, and may from time to time modify such limitations and conditions as circumstances may require.

*Approved June 3, 1890.*

**Chap.383** AN ACT TO ENABLE PERSONS TO WHOM A DEBT IS PAYABLE IF IT WERE NOT FOR A LIEN ON BUILDINGS AND LAND TO DISSOLVE SUCH LIEN BY BOND.

*Be it enacted, etc, as follows :*

Release of lien upon real estate by giving bond.

SECTION 1. Any person to whom, if it were not for a lien for performing or furnishing labor or materials or both in the erection, alteration or repair of a building or structure upon real estate, a debt would be due and payable for performing or furnishing labor or materials or both on such real estate, may at any time before final judgment, in a suit brought to enforce such lien, release such real estate from such lien, by giving a bond to the party claiming the lien, with sufficient sureties to be approved in

writing by such party or his attorney, or by a master in chancery, and with condition to pay such party within thirty days after final judgment in such suit, the amount if any for which such lien shall be established with all costs of suit: *provided*, that nothing herein contained shall authorize the release by bond of any real estate from a lien claimed solely for personal labor performed thereon by the petitioner. Proviso.

SECTION 2. No sureties shall be deemed sufficient for the bond referred to in section one, unless they are satisfactory to the party claiming the lien or to his attorney, or unless it is made clearly to appear to the master that each one, if there are only two, is worth, above what will pay his debts, a sum equal to twice that for which the lien is claimed, or if there are more than two, that they are together worth four times that sum. Sufficiency of bond.

SECTION 3. The bond referred to in section one shall contain a description of the property released, and shall be recorded, and the bond may be taken from the registry, as provided in section forty-three of chapter one hundred and ninety-one of the Public Statutes, and the lien shall not be dissolved until the bond is so recorded. Bond to contain description of property and to be recorded. P. S. 191, § 43.

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

*Approved June 4, 1890.*

AN ACT RELATIVE TO THE ATTENDANCE OF CHILDREN IN THE SCHOOLS. Chap. 384

*Be it enacted, etc., as follows:*

Section one of chapter four hundred and sixty-four of the acts of the year eighteen hundred and eighty-nine is hereby amended by striking out, in the nineteenth, twentieth, twenty-first and twenty-second lines thereof, the words “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 inserting in place thereof the words: — some public day school in the city or town in which he resides, and such attendance shall continue for at least thirty weeks of the school year if the schools are kept open that length of time, with an allowance of two weeks’ time for absences not excused by the superintendent of schools or the school committee, — also by adding in the twenty-third line of said section, after the word “shall”, the words: — upon Amendments to 1889, 464, § 1.

Attendance of  
children in the  
schools.

the complaint of the school committee, — so that the last part of said section one, beginning with the middle of the sixteenth line thereof, as amended, shall 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 some public day school in the city or town in which he resides, and such attendance shall continue for at least thirty weeks of the school year if the schools are kept open that length of time, with an allowance of two weeks' time for absences not excused by the superintendent of schools or the school committee, and for every neglect of such duty the person offending shall, upon the complaint of the school committee or any truant officer, forfeit to the use of the public schools of such city or town a sum not exceeding twenty dollars ; but if such child has 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 penalties shall not be incurred.

*Approved June 4, 1890.*

*Chap. 385* AN ACT TO AMEND AN ACT TO PROVIDE FOR A STATE BOARD OF ARBITRATION FOR THE SETTLEMENT OF DIFFERENCES BETWEEN EMPLOYERS AND THEIR EMPLOYEES.

*Be it enacted, etc., as follows :*

Amendments to  
1886, 263, § 4.  
1887, 269, § 3.

*SECTION 1.* Section four of chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-six, as amended by section three of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven, is hereby further amended by inserting in the twenty-sixth line of said section three, after the words "notwithstanding such request", the words following, to wit : — When notice has been given as aforesaid, each of the parties to the controversy, the employer on the one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed



shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty under the direction of the board to obtain and report to the board information concerning the wages paid and the methods and grades of work prevailing in manufacturing establishments within the Commonwealth of a character similar to that in which the matters in dispute may have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the Commonwealth such compensation as shall be allowed and certified by the board, together with all necessary travelling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, — so that said section three as amended shall read as follows:— *Section 3.* Section four of said chapter is hereby amended so as to read as follows:— *Section 4.* Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lock-out or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwith-

Amendments to  
1886, 203, § 4.  
1887, 209, § 3.

State board of  
arbitration.

State board of arbitration.

standing such request. When notice has been given as aforesaid, each of the parties to the controversy, the employer on the one side and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board information concerning the wages paid and the methods and grades of work prevailing in manufacturing establishments within the Commonwealth of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the Commonwealth such compensation as shall be allowed and certified by the board, together with all necessary travelling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative in the departments of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summonses may be signed and oaths administered by any member of the board.

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

*Approved June 4, 1890.*

**Chap.386** AN ACT TO AUTHORIZE THE PRINTING AND DISTRIBUTING OF BALLOTS FOR TOWN ELECTIONS AT THE PUBLIC EXPENSE.

*Be it enacted, etc., as follows:*

Election of town officers in towns accepting this act.

SECTION 1. In any town which, at a meeting duly called for the purpose, shall accept the provisions of this act, elections of town officers shall thereafter be held as herein provided.

SECTION 2. When any town accepts the provisions of this act it shall at the same meeting determine what officers, if any, not required by law to be chosen by ballot shall be so chosen, also the number and terms of such officers; and for this purpose may accept any existing act providing a system or manner of electing any town officers. All such matters shall be notified in the warrant for such meeting. No change shall be thereafter made in the officers to be chosen by ballot or in the number or terms thereof except at a meeting held at least thirty days before any annual town election.

Towns to determine what officers not required by law to be chosen by ballot shall be so chosen.

SECTION 3. All warrants for town-meetings for the election of officers as herein provided shall specify the time of opening the polls and the time when the same may be closed; but the polls shall be kept open at least four hours.

Time of opening and closing polls to be specified in warrant; to be open at least four hours.

SECTION 4. Nominations of candidates may be made by caucus, or by nomination papers signed in the aggregate for each candidate by qualified voters of such town not less in number than one for every fifty voters who were registered for the last preceding state election in such town; but the voters so signing shall in no case be less than twenty in number. 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 as many nominations for each office as there are persons to be elected thereto, and no more. Women qualified to vote for members of the school committee may sign nomination papers for candidates for the school committee.

Nominations may be made by caucus or by nomination papers, etc.

SECTION 5. All certificates of caucus nominations shall be signed by the presiding officer and secretary of the caucus. Such certificates and nomination papers shall, besides containing the names of candidates, specify as to each candidate the office for which he is nominated, and his place of residence, with street and number thereon, if any, and may include a designation of such candidacy, expressed in not more than three words.

Women may sign nomination papers for school committee.

Certificates of caucus nominations to be signed by presiding officer and secretary.

SECTION 6. Certificates of nomination shall be filed with the town clerk at least eight days previous to the day of the election, and nomination papers shall be so filed at least six days previous to the day of election. The certificates of nomination and nomination papers being so filed, and being in apparent conformity with the pro-

Certificates of nomination and nomination papers to be filed with the town clerk.

visions of this act, shall be deemed to be valid unless objection thereto is duly made in writing. Such objections or questions arising in the case of nominations shall be considered by the board of registrars of voters, and the decision of a majority of the board shall be final. In case such objection is made, notice shall forthwith be delivered to the candidates affected thereby. All certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection, and the town clerk shall preserve the same in his office not less than one year.

Ballots to be prepared by the town clerk.

SECTION 7. All ballots for use in such elections shall be prepared by the town clerk. 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 shall contain no other names. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order according to surnames. 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 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 any question is submitted to the vote of the people of a town, in accordance with a statute providing for such submission, such question shall be printed upon the ballot after the list of candidates. Special ballots 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 square at the right of the name and designation 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. Before distribution the ballots shall be so folded in marked creases as to measure when folded not less than four and one-half nor more than five inches in width and not less than six nor more than thirteen and one-half inches in

Names of candidates for each office to be in alphabetical order.

Special ballots for school committee.

length. On the back and outside, when folded, shall be printed, "Official Ballot for the Town of —", and the date of the election, and the signature or fac-simile of the signature of the town clerk. The special ballots printed 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.

SECTION 8. 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 shall be kept and preserved by the town clerk.

Ballots when printed to be folded, etc., so that each ballot may be detached separately.

SECTION 9. There shall be provided in each town a set of such general ballots, of not less than seventy-five for every fifty and fraction of fifty registered male voters therein; and likewise a set of such special ballots, of not less than seventy-five for every fifty and fraction of fifty women qualified to vote for school committee therein.

Number of ballots required.

SECTION 10. The town clerk shall provide 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 obtaining assistance, and as to obtaining new ballots in place of those accidentally spoiled; and shall cause the same, together with copies of sections twenty-seven, twenty-eight, twenty-nine and thirty of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine, and any amendments thereof, to be printed in large, clear type, on separate cards, to be called cards of instructions. He shall also cause to be printed on tinted paper, and without the endorsements, ten or more copies of the form of the ballot provided for such election, which shall be called specimen ballots, and shall be furnished with the other ballots provided therefor.

Town clerk to provide full instructions for voters.

Specimen ballots.

SECTION 11. At least four days prior to the day of the election, the town clerk shall cause to be conspicuously posted in one or more public places a printed list containing the names and residences of all candidates to be voted for in such town, and any designation as provided in section five, substantially in the form of the general ballot to be so used therein.

List of candidates to be posted four days before election.

Ballots, etc., to be packed in sealed packages.

SECTION 12. The ballots, together with the specimen ballots and cards of instructions printed by the town clerk as herein provided, shall be packed by him in sealed packages, with marks on the outside designating the number of ballots of each kind enclosed.

Ballot clerks to be appointed.

SECTION 13. Before the opening of the polls the selectmen shall appoint two ballot clerks, and in case of vacancies after the opening of the polls the moderator shall fill the same. The ballot clerks shall have charge of the ballots and shall furnish them to the voters in the manner hereinafter provided.

Ballots to be delivered to ballot clerks.

SECTION 14. The town clerk shall, before the opening of the polls on the day of election, deliver the ballots to the ballot clerks, who shall receipt therefor, which receipt shall be kept in the clerk's office. Before the opening of the polls the town clerk shall cause the cards of instructions to be posted at or in each voting shelf or compartment provided for the marking of the ballots, and not less than three such cards and not less than five specimen ballots to be posted in or about the polling room, outside the guard rails. No ballots prepared under this act shall be delivered to voters until a moderator has been chosen in the manner now provided by law. A duplicate list of the qualified voters shall be prepared for the use of ballot clerks, and all the provisions of law relative to the preparation, furnishing, use and preservation of check-lists shall apply to such duplicate lists.

Meeting to be adjourned upon failure to elect.

SECTION 15. Except as herein provided, the election shall be conducted as now provided by law. In case of failure to elect any officers to be chosen as herein provided, the meeting shall be adjourned to a day certain, when such officers shall be chosen as herein provided.

Provisions of 1889, 413, §§ 21-30, applicable to elections under this act.

SECTION 16. Sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine, and any amendments thereof, shall be applicable to town elections held under this act.

*Approved June 4, 1890.*

**Chap.387** AN ACT RELATING TO COMPOSITION WITH CREDITORS IN INSOLVENCY.

*Be it enacted, etc., as follows:*

Amendment to 1884, 236, § 9.

SECTION 1. Section nine of chapter two hundred and thirty-six of the acts of the year eighteen hundred and

eighty-four is hereby amended by adding thereto the following:—If there are unsecured claims included in the debtor's schedule of creditors which have not been proved at the time of the deposit, the deposit shall include a dividend, at the rate proposed, on all such unproved claims computed on the amount set forth in the schedule; and after the expiration of five months and within six months from the time of the first hearing on the debtor's proposal for composition, the court shall order a hearing for the proof of such unproved claims, of which notice shall be given to the same persons and in the same manner as of the previous hearings; and upon proof and allowance thereof at such hearing, the court shall order dividends to be paid on all debts so proved at the rate allowed on debts formerly proved, and the money deposited on claims then remaining unproved shall then be refunded to the debtor or person depositing the same.

Composition  
with creditors  
in insolvency.

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

*Approved June 4, 1890.*

AN ACT CONCERNING THE CONTINGENT EXPENSES OF CIVIL ACTIONS  
IN COMMONWEALTH CASES.

*Chap.388*

*Be it enacted, etc., as follows:*

SECTION 1. Section ten of chapter seventeen of the Public Statutes is hereby amended by striking out the word "three", in the third line thereof, and substituting the word:—eight,—so that said section shall read as follows:—*Section 10.* On the representation of the attorney-general, the governor with the advice and consent of the council may draw his warrant on the treasury to an amount not exceeding eight hundred dollars in one year, for the contingent expenses of civil actions in which the Commonwealth is a party or has an interest, and for such sum the attorney-general shall annually in October account to the governor and council, and shall state in his annual report to the general court the amount so expended.

Amendment to  
P. S. 17, § 10.

Expenses in  
certain civil  
actions.

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

*Approved June 5, 1890.*

AN ACT TO AMEND AN ACT TO AUTHORIZE THE CITY OF GLOUCESTER TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

*Chap.389*

*Be it enacted, etc., as follows:*

Section ten of chapter two hundred and twenty-six of the acts of the year eighteen hundred and ninety is hereby

Amendment to  
1890, 226, § 10.

Subject to acceptance by a majority vote.

amended so as to read as follows:— *Section 10.* This act shall be submitted to the qualified voters of the city of Gloucester for its acceptance, and shall be void unless a majority of such voters, present and voting in their respective wards at the annual city election to be held in the month of December in the year eighteen hundred and ninety, shall determine by a majority of ballots to adopt the same.

*Approved June 5, 1890.*

**Chap. 390** AN ACT PROVIDING FOR THE BETTER MAINTENANCE AND ENFORCEMENT OF THE FISH AND GAME LAWS AND THE DISTRIBUTION OF FISH.

*Be it enacted, etc., as follows:*

Allowance to commissioners of inland fisheries and game.

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fourteen thousand five hundred dollars, to be expended under the direction of the commissioners of inland fisheries and game, for the following purposes, to wit:— for the purchase of a steamer for the use of said commissioners, a sum not exceeding twelve thousand dollars; for the further propagation and distribution of trout, salmon and shad, and the establishing and maintenance of hatching houses in such places in the Commonwealth as may be deemed necessary, a sum not exceeding one thousand dollars; and for compensation of such deputies as may be appointed by said commissioners, a sum not exceeding fifteen hundred dollars.

Commissioners may sell or exchange steamer.

SECTION 2. Said commissioners are hereby authorized to sell or exchange the steamer now owned by the Commonwealth, and used by them, and to apply the same or the proceeds thereof to the purchase of a steamer as herein provided.

Moieties of fines, etc., to be paid into state treasury.

SECTION 3. All moieties of fines and forfeitures from prosecutions, which may accrue to the deputies appointed by said commissioners, shall be paid into the treasury of the Commonwealth.

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

*Approved June 5, 1890.*

**Chap. 391** AN ACT CONCERNING THE LARCENY OR DESTRUCTION OF WILLS OR OTHER TESTAMENTARY INSTRUMENTS.

*Be it enacted, etc., as follows:*

Penalty for mutilating, etc., a will.

Section twenty-one of chapter two hundred and three of the Public Statutes is hereby amended by adding after



the word "destroys", in the first line, the word: — mutilates, — so that the section as amended shall read as follows: — *Section 21.* Whoever steals, or for any fraudulent purpose destroys, mutilates or conceals a will, codicil, or other testamentary instrument, shall be punished by imprisonment in the state prison not exceeding five years, or in the house of correction not exceeding two years.

*Approved June 5, 1890.*

AN ACT CONCERNING THE REMOVAL AND MUTILATION OF THE RECORDS OF THE COMMONWEALTH. *Chap. 392*

*Be it enacted, etc., as follows:*

Section sixteen of chapter thirty-seven of the Public Statutes is hereby amended by adding after the words "files of", in the sixth line, the words: — the Commonwealth or, — so that as amended the section shall read as follows: — *Section 16.* Every county, city, and town, for each month it neglects or refuses to perform any duty required by this chapter, shall forfeit twenty dollars; every register or clerk who neglects or refuses to perform any such duty shall forfeit for each offence ten dollars; every person who takes and carries away any book of record, paper, or written document belonging to the records or files of the Commonwealth, or any county, city, or town, except as is provided in section twelve, or who defaces, alters, or mutilates, by mark, erasure, cutting, or otherwise, any such record, paper, or written document, shall forfeit a sum not exceeding fifty dollars; and every person who, after demand made by the clerk entitled by law to have possession of books of record and other documents mentioned in the two preceding sections, wrongfully detains the same, shall forfeit fifty dollars.

Amendment to P. S. 37, § 16.

Penalty for mutilating, etc., the records of the Commonwealth, etc.

*Approved June 5, 1890.*

AN ACT RELATING TO EVIDENCE IN PROSECUTIONS FOR OFFENCES AGAINST THE ELECTION LAWS. *Chap. 393*

*Be it enacted, etc., as follows:*

SECTION 1. In all criminal prosecutions for the violation of any law relating to caucuses or elections, if the defendant relies upon the invalidity, irregularity or informality of any caucus or election, or upon the failure or neglect of any officer or person to do or perform any act or thing whatsoever in relation to any caucus or election, or matters or things pertaining thereto, he shall prove

Caucus, etc., to be deemed regular, in criminal prosecutions.

such invalidity, irregularity, informality, failure or neglect ; and until such proof by such defendant, the presumption shall be that such caucus or election was valid and regular, and that such officer or person acted as prescribed by law ; and the testimony of the clerk of the city or town wherein it is alleged that such election was held, or of the presiding officer or clerk of such caucus that such election or caucus was actually held, shall be prima facie evidence that the same was regularly and duly held. But nothing in this section shall preclude proof of the validity or regularity of such caucuses or elections in any other legal manner.

Registration, etc., to be deemed valid and regular, in criminal prosecution.

SECTION 2. In any criminal prosecution for violation of any law in reference to the registration, qualification or assessment of voters, or in reference to check-lists or ballots, if the defendant relies upon the invalidity, informality or irregularity of such registration, qualification or assessment, or of such check-lists or ballots, or matters or things pertaining thereto, he shall prove such invalidity, irregularity or informality ; and until such proof by such defendant, the presumption shall be that such registration, qualification or assessment, or check-lists or ballots, are valid and regular and in accordance with law. But nothing in this section shall preclude proof of the validity, regularity or formality of such registration, qualification or assessment of voters, or of such check-lists or ballots, or matters or things pertaining thereto, in any other legal manner.

*Approved June 6, 1890.*

*Chap. 394*

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO INVEST IN THE FIRST MORTGAGE BONDS OF THE MAINE CENTRAL RAILROAD COMPANY.

*Be it enacted, etc., as follows :*

Savings banks, etc., may invest in bonds of the Maine Central Railroad Company.

Proviso.

SECTION 1. Savings banks and institutions for savings may invest in the first mortgage bonds of the Maine Central Railroad Company, notwithstanding the existence of a mortgage indebtedness not matured upon the whole or a part of the road of said railroad company : *provided, however,* that said bonds be issued in whole or in part to renew and refund said existing first mortgage indebtedness, and that an amount of such bonds equal at the par value to the amount of such existing mortgage indebtedness shall, by the terms of the mortgage securing the same, be made applicable exclusively to the payment of such existing

mortgage indebtedness; and for the purpose of securing such payment at the maturity of the same, said bonds shall be deposited with and held by such trust company, incorporated under the laws of this Commonwealth and doing business in the city of Boston, as may be approved by the commissioners of savings banks.

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

*Approved June 7, 1890.*

AN ACT TO AMEND AN ACT TO PROVIDE FOR LICENSING PERSONS TO  
KEEP MORE THAN FOUR HORSES IN CERTAIN BUILDINGS OR  
PLACES.

*Chap. 395*

*Be it enacted, etc., as follows:*

Chapter two hundred and thirty of the acts of the year eighteen hundred and ninety is hereby amended by striking out in the third and fourth lines of said chapter the words "the police commissioners of Boston", and by inserting in the eleventh line of said chapter after the words "supreme judicial court" the words: — or superior court, — so that the same as amended shall read as follows: — Section thirty-nine of chapter one hundred and two of the Public Statutes is hereby amended so that the same shall read as follows:— *Section 39.* The mayor and aldermen of any city except Boston, and the selectmen of any town, may license suitable persons to keep more than four horses in certain specified buildings or places within their respective cities and towns, and may revoke such license at pleasure. Whoever, not being licensed as aforesaid, occupies or uses any building or place for a stable for more than four horses, shall forfeit a sum not exceeding fifty dollars for every month he so occupies or uses such building or place, and in like proportion for a longer or shorter time. And the supreme judicial court, or superior court, or a justice thereof, in term time or vacation, may issue an injunction to prevent such occupancy or use without such license.

Amendment to  
P. S. 192, § 39,  
1890, 230.

Stables to keep  
more than four  
horses may be  
licensed.

*Approved June 7, 1890.*

AN ACT TO AMEND AN ACT AUTHORIZING THE STOCKBRIDGE WATER  
COMPANY TO FURNISH ADDITIONAL WATER SUPPLY.

*Chap. 396*

*Be it enacted, etc., as follows:*

SECTION 1. The provisions of chapter four hundred and thirty of the acts of the year eighteen hundred and eighty-nine are hereby extended for the period of one

Provisions of  
1889, 430,  
extended.

year from and after the seventh day of June in the year eighteen hundred and ninety.

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

*Approved June 7, 1890.*

**Chap.397** AN ACT TO CHANGE THE NAME OF THE W. C. STEVENSON MANUFACTURING COMPANY.

*Be it enacted, etc., as follows:*

Name changed.

SECTION 1. The name of the W. C. Stevenson Manufacturing Company, incorporated under the general laws of this Commonwealth, is hereby changed to the Stevenson Manufacturing Company.

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

*Approved June 7, 1890.*

**Chap.398** AN ACT RELATIVE TO THE RECOVERY OF INTEREST.

*Be it enacted, etc., as follows:*

Recovery of interest.

Interest, whether arising as damages for the detention of money or otherwise, may be declared on, in addition to the forms of pleading now authorized by law, by including in any count which is followed by an account annexed, or bill of particulars, the words "and interest", and setting forth as an item in the account annexed or bill of particulars the times and amounts for and upon which interest is claimed, and the amount of interest so claimed.

*Approved June 11, 1890.*

**Chap.399** AN ACT TO AUTHORIZE THE PITTSFIELD STREET RAILWAY COMPANY TO SELL ITS PROPERTY AND FRANCHISE.

*Be it enacted, etc., as follows:*

May sell property and franchise.

SECTION 1. The Pittsfield Street Railway Company is hereby authorized to sell and convey its property and franchise, and all the rights, easements, privileges and powers granted to and owned by it: *provided, however,* that such sale shall not be valid unless agreed to by the board of directors of said Pittsfield Street Railway Company, and approved by the majority of the votes, at a meeting of the stockholders of said company called for that purpose.

Proviso.

SECTION 2. The said street railway may be operated by any corporation organized under the laws of this Com-

May be operated by corporation obtaining title.

monwealth, relating to street railways, which shall obtain title to said street railway company; and such corporation shall, after obtaining said title, have and enjoy all the rights, powers, privileges, easements, franchise and property, and be subject to all the duties, liabilities, obligations and restrictions to which said Pittsfield Street Railway Company may be subject.

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

*Approved June 11, 1890.*

AN ACT RELATING TO ASSESSMENTS FOR DISABILITY AND DEATH FUNDS BY FRATERNAL BENEFICIARY ORGANIZATIONS. Chap.400

*Be it enacted, etc., as follows :*

SECTION 1. Any fraternal beneficiary organization incorporated under chapter four hundred and twenty-nine of the acts of the year eighteen hundred and eighty-eight, or existing under the laws of this Commonwealth and transacting business as defined in said chapter and amendments thereto, may provide in the same assessment for its disability and death funds: *provided*, that the proportion of the assessment to be used for either purpose shall be distinctly stated, as well as the amount received for each fund held and used in the manner provided therefor by law.

May provide for its disability and death funds in same assessment.

Proviso.

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

*Approved June 11, 1890.*

AN ACT TO PROVIDE FOR THE CALLING OF MEETINGS FOR ELECTIONS IN THE CITY OF BOSTON. Chap.401

*Be it enacted, etc., as follows :*

SECTION 1. No warrant shall issue for calling meetings in the several wards of the city of Boston, or in the precincts thereof, or any of them, for elections or other purposes; but the city clerk of said city shall, seven days at least before the day fixed for any meeting, advertise in at least four daily newspapers published in said city, a notice of the time and place of such meeting, the hours for opening and closing the polls, the officers to be chosen, and the question or questions to be voted upon, any provision of the charter of said city or of any special or general law to the contrary notwithstanding.

Meetings for elections in the city of Boston.

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

*Approved June 11, 1890.*

**Chap.402** AN ACT IN RELATION TO THE RETURN AND RECORD OF DEATHS.*Be it enacted, etc., as follows :*Amendment to  
P. S. 32, § 1.  
1887, 292, § 5.Return and  
record of  
deaths.

SECTION 1. The last clause of section one of chapter thirty-two of the Public Statutes, as amended by section five of chapter two hundred and two of the acts of the year eighteen hundred and eighty-seven, is hereby further amended so that said clause shall read as follows:—In the record of deaths, the date of the death, the name of the deceased, the sex, the color, the condition, (whether single, widowed or married,) the age, the residence, the occupation, the place of death, the place of birth, the names and places of birth of parents, the disease or cause of death, the place of burial, if the deceased was a married woman her maiden name and the name of her husband, and the maiden name of the mother of any deceased person, and the date of the record.

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

*Approved June 11, 1890.***Chap.403** AN ACT FOR THE BETTER PROTECTION OF LAND OWNERS.*Be it enacted, etc., as follows :*Penalty for  
entering or  
remaining on  
land of another  
with fire-arms,  
etc.

SECTION 1. Whoever, without right, enters upon the land of another with fire-arms and with intent to fire or discharge the same thereon, and who, after being requested by the owner or occupant of said land, or by the authorized agent of such owner or occupant, to leave said land, continues to remain thereon, shall be punished by fine not exceeding two hundred dollars or by imprisonment not exceeding two months, or by both such fine and imprisonment.

Penalty for  
defacing notice,  
etc.

SECTION 2. Whoever shall wilfully tear down, remove or deface any notice posted on land by the owners, lessee or legal custodian thereof, warning persons not to trespass on the same, shall be punished by fine not exceeding twenty-five dollars.

*Approved June 11, 1890.***Chap.404** AN ACT RELATING TO THE REGULATION AND SUPERVISION OF WIRES OVER STREETS OR BUILDINGS IN CITIES.*Be it enacted, etc., as follows :*Regulations  
concerning  
wires over

SECTION 1. Every person or corporation, private or municipal, owning or operating a line of wires over streets

or buildings in a city, shall use only wires that are suitable and strong; shall suitably and safely attach them to strong and sufficient supports, and insulate them at all points of attachment; shall remove all wires abandoned for use; shall suitably insulate every wire where it enters a building, and, if such wire is other than a wire designed to carry an electric light or power current, shall attach to it at suitable and convenient points in the circuit, calculating to prevent danger from fire and near the place of entering the building, an appliance calculated to prevent at all times a current of electricity of such intensity or volume as to be capable of injuring electrical instruments or causing fire from entering the building by means of such wire, beyond the point at which such appliance is attached, and shall suitably insulate every wire within a building when such wire is designed to carry an electric light current.

streets and buildings in cities.

SECTION 2. Every such person and corporation shall, in the several cities, within six months after the appointment of the officer hereinafter provided for, affix at the points of support at which any such wire or cable containing wires is attached, a tag or mark distinctly designating the owner or user of such wire or cable. No such tag or mark shall be required for the wires of a street railway company used for the transmission of its motive power nor for the protection or support of such wires.

Names of owners to be attached to wires.

SECTION 3. Every city shall, by ordinance, designate or provide for the appointment of an officer who shall supervise every wire over streets or buildings in such city, and every wire within a building when such wire is designed to carry an electric light or power current; shall notify the person or corporation owning or operating any such wire whenever its attachments, insulation, supports or appliances are unsuitable or unsafe, or the tags or marks thereof are insufficient or illegible, and shall, at the expense of the city, remove every wire abandoned for use, and every wire which after the six months aforesaid shall be unprovided with a tag or mark, as hereinbefore required, such expense to be repaid by the owner of such wire; and shall see that all laws, ordinances and regulations relating to such wires are strictly enforced.

Officer to be appointed to supervise wires.

To give notice when wire, etc., is unsafe, etc.

SECTION 4. Any city may recover, in an action of contract, of the person or corporation owning any such wire as is hereinbefore described, any expense which it may have incurred for any removal thereof.

City may recover expense, etc.

Provisions may be enforced in equity.

SECTION 5. Any court having equity jurisdiction or any justice thereof, in term time or vacation, may, on a petition of the officer designated or appointed as aforesaid, by any suitable process or decree in equity enforce the provisions of this act and may, on such petition, issue an injunction or other suitable process to restrain the use or maintenance, or to cause the removal, of any wire, post or other support erected, maintained or used in violation of this act.

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

*Approved June 11, 1890.*

**Chap.405** AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE CITY OF BOSTON TO INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT TO ERECT AND FURNISH SCHOOL-HOUSES.

*Be it enacted, etc., as follows :*

Amendment to 1890, 355, § 1.

SECTION 1. Section one of chapter three hundred and fifty-five of the acts of the year eighteen hundred and ninety is hereby amended by striking out the word "June", in the third line, and inserting in place thereof the word : — September, — so that said section shall read as follows : — *Section 1.* The city of Boston, for the purpose of erecting and furnishing school-houses in said city, may, on or before the first day of September, eighteen hundred and ninety, authorize the city treasurer of said city to issue from time to time, as the mayor of said city may request, bonds or certificates of indebtedness to an amount not exceeding five hundred and fifty thousand dollars, to bear interest payable semi-annually at such rate not exceeding four per cent. per annum as shall be fixed by said city.

May incur indebtedness beyond the limit for erecting and furnishing school houses.

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

*Approved June 11, 1890.*

**Chap.406** AN ACT TO PROVIDE FOR REFUNDING CERTAIN TAXES ASSESSED AGAINST SAVINGS BANKS.

*Be it enacted, etc., as follows :*

For refunding certain taxes assessed against savings banks.

SECTION 1. Any savings bank which has paid under protest a tax on its real estate used for banking purposes shall be reimbursed therefor from the treasury of the Commonwealth to the amount so paid, upon application to the auditor of the Commonwealth ; who, on satisfactory proof that the tax was paid under protest, shall certify the



account to the governor and council in the same manner as other claims against the Commonwealth.

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

*Approved June 11, 1890.*

AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO GUARANTY THE BONDS OF THE ST. JOHNSBURY AND LAKE CHAMPLAIN RAILROAD COMPANY.

*Chap.407*

*Be it enacted, etc., as follows:*

SECTION 1. The Boston and Maine Railroad is hereby authorized to guaranty bonds of the St. Johnsbury and Lake Champlain Railroad Company, issued to the said Boston and Maine Railroad or to the Boston and Lowell Railroad Corporation in payment of advances made and hereafter to be made to said St. Johnsbury and Lake Champlain Railroad Company by the said Boston and Maine Railroad or the Boston and Lowell Railroad Corporation, for the purpose of repairing, renewing, reconstructing and improving the railroad of said St. Johnsbury and Lake Champlain Railroad Company, and of providing it with additional equipment, side tracks, station grounds, terminal facilities and other property necessary for the proper operation and maintenance of its said railroad: *provided, however,* that the whole amount of bonds so guarantied shall not exceed the sum of two million five hundred thousand dollars. The provisions of section seventy-four of chapter one hundred and twelve of the Public Statutes shall not apply to such guaranty.

May guaranty bonds of the St. Johnsbury and Lake Champlain Railroad Company.

Provisions of P. S. 112, § 74, not applicable.

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

*Approved June 13, 1890.*

AN ACT PROVIDING FOR THE FINAL DISTRIBUTION OF SUMS OF MONEY DEPOSITED OR INVESTED BY ORDER OF PROBATE COURTS.

*Chap.408*

*Be it enacted, etc., as follows:*

SECTION 1. The judge of any probate court may, upon the application of any person interested and after such public notice as said court may deem proper, order all sums of money or the proceeds thereof deposited or invested by authority of said court and which shall have remained unclaimed for a period of twenty years from the date of such deposit or investment, to be paid to the residuary legatee of the person to whose estate the money belonged, if there is such a residuary legatee, or if no

Judge may order certain money remaining unclaimed for twenty years to be paid to residuary legatee, etc.

such residuary legatee be then living, then to the heirs of such residuary legatee living at the time of such distribution; and if no such residuary legatee or any of his heirs be then living, or if such deceased person died intestate, said money and the proceeds thereof shall be disposed of and distributed among the persons entitled thereto and in the manner provided for by the law for the distribution of personal estate of a deceased person not lawfully disposed of by will: *provided, however*, that the judge of probate shall first require from the person or persons to which such sums shall be ordered to be paid, a sufficient bond of indemnity with two sufficient sureties to be approved by him, with condition to repay to the person or persons for whose benefit such deposit or investment was originally made or to the personal representatives of such person or persons, all sums paid over by the order of the judge of probate under the provisions of this act.

Proviso.

Administrator de bonis non may be appointed.

SECTION 2. The judge of probate ordering such distribution may appoint an administrator de bonis non for the purpose of carrying out the provisions of this act.

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

*Approved June 13, 1890.*

**Chap.409** AN ACT MAKING APPROPRIATIONS FOR PROVIDING ADDITIONAL CELL ROOM AT THE STATE PRISON AT BOSTON AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of providing additional cell room at the state prison in Boston, and for certain other expenses authorized by law, to wit: --

State prison at Boston.

For providing additional cell room at the state prison in Boston, a sum not exceeding seventy-five thousand dollars, as authorized by chapter fifty-five of the resolves of the present year.

Maps of Massachusetts.

For printing an edition of the atlas maps of Massachusetts as prepared and engraved by the geological survey, a sum not exceeding three thousand dollars, as authorized by chapter fifty-seven of the resolves of the present year.

Portraits of ex-governors.

For the necessary expenses of the commissioner appointed by the governor to invite contributions of portraits of

ex-governors of this Commonwealth since the organization of the government under the constitution in seventeen hundred and eighty, a sum not exceeding one hundred dollars, as authorized by chapter fifty-eight of the resolves of the present year.

For a water supply, fire escapes and other necessary improvements at the state normal school at Framingham, a sum not exceeding fourteen thousand one hundred dollars, as authorized by chapter fifty-nine of the resolves of the present year.

State normal school at Framingham.

For certain repairs at the state industrial school for girls, a sum not exceeding twenty-two hundred dollars, as authorized by chapter sixty of the resolves of the present year.

State industrial school.

For the payment of current expenses at the Westborough insane hospital, a sum not exceeding five thousand dollars, as authorized by chapter sixty one of the resolves of the present year.

Westborough insane hospital.

For expenses of removing prisoners to and from the state prison and state farm, as provided for in chapter one hundred and eighty of the acts of the present year, a sum not exceeding one hundred dollars.

Removing prisoners.

For extra clerical assistance in the department of the secretary of the Commonwealth, a sum not exceeding one thousand dollars, as authorized by chapter two hundred and thirty-nine of the acts of the present year, being in addition to the twelve thousand dollars appropriated by chapter two of the acts of the present year.

Extra clerks for the secretary.

For the salary of the insurance commissioner, a sum not exceeding five hundred dollars, as authorized by chapter two hundred and forty-seven of the acts of the present year, being in addition to the three thousand dollars appropriated by chapter two of the acts of the present year.

Insurance commissioner.

For the final payment of an amount due on an estate taken by the Commonwealth from the heirs of John Amory Codman, the amount paid for said estate being agreed upon by the governor and council and the said heirs, and approved by the attorney-general, the sum of eleven hundred and thirty-five dollars and ninety-two cents; said estate having been taken for the purpose of state house extension as provided for in and authorized by chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight.

Heirs of John Amory Codman.

Expenses of committees.

For authorized expenses of committees of the present legislature, including clerical assistance to committees authorized to employ the same, a sum not exceeding three thousand dollars, being in addition to the fifteen thousand dollars appropriated by chapter one of the acts of the present year.

Charles A. Merrill.

For the compensation of Charles A. Merrill who was appointed by the governor and council to prepare a supplement to the Public Statutes containing the general laws passed since the enactment of the same down to and including the year eighteen hundred and eighty-eight, the sum of forty-five hundred dollars, and for expenses contingent upon such work, the sum of seven hundred and twenty-eight dollars, as ordered by the governor and council on the fourteenth day of May in the year eighteen hundred and ninety and as authorized by chapter three hundred and eighty-three of the acts of the year eight-hundred and eighty-eight.

Removing prisoners.

For the cost of removing prisoners to and from the state farm and houses of correction, as provided for in chapter two hundred and seventy eight of the acts of the present year, a sum not exceeding one hundred dollars.

Officers, etc., of S. J. C.

For the salaries of the officers and messenger of the supreme judicial court, a sum not exceeding five hundred dollars, as authorized by chapter two hundred and ninety-four of the acts of the present year, being in addition to the sixteen hundred dollars appropriated by chapter three of the acts of the present year.

Registration, etc., of criminals.

For expenses in connection with the registration and identification of criminals, a sum not exceeding two hundred dollars, as authorized by section five of chapter three hundred and sixteen of the acts of the present year.

Massachusetts school fund.

For such premiums as may be necessary in investing the Massachusetts school fund, as provided for in section two of chapter three hundred and thirty-five of the acts of the present year, a sum not exceeding fifty thousand dollars.

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

*Approved June 13, 1890.*

## Chap. 410

### AN ACT RELATING TO TRESPASS UPON REAL ESTATE.

*Be it enacted, etc., as follows :*

P. S. 203, § 99, amended.

Section ninety-nine of chapter two hundred and three of the Public Statutes is hereby amended so as to read as

follows : — Whoever without right enters upon or remains on or in the dwelling-house, buildings or improved or enclosed land of another, after being forbidden so to do by the person having the lawful control of said premises, either directly or by notice posted thereon, shall be punished by a fine not exceeding twenty dollars.

Treepass upon  
real estate.

*Approved June 13, 1890.*

AN ACT TO AUTHORIZE THE UNION AGRICULTURAL AND HORTICULTURAL SOCIETY ESTABLISHED IN THE TOWN OF BLANDFORD TO TAKE LAND FOR AGRICULTURAL PURPOSES.

*Chap. 411*

*Be it enacted, etc., as follows :*

SECTION 1. The Union Agricultural and Horticultural Society established in the town of Blandford, incorporated by chapter one hundred and ten of the acts of the year eighteen hundred and sixty-seven, is hereby authorized to take and hold by purchase or otherwise, at any time within one year from the passage of this act, so much land not exceeding ten acres, in the town of Blandford, as it may deem necessary for the purposes specified in said act of incorporation.

May take land  
for agricultural  
purposes.

SECTION 2. The said society shall, within thirty days from the time when it shall take any parcel or parcels of land under this act, file in the office of the register of deeds for the county of Hampden and cause to be recorded therein a description of the land so taken sufficiently accurate for identification, with a statement of the purpose for which said land is taken ; which description and statement shall be signed by the president and secretary of said society. The said society shall be liable to pay all damages that shall be sustained by any person by reason of the taking of land as aforesaid ; such damages to be ascertained and determined in the manner provided for ascertaining and determining damages in case of the laying out, altering or discontinuing of ways within said town of Blandford.

A description of  
the land taken  
to be recorded  
in registry of  
deeds.

Damages.

SECTION 3. Said Union Agricultural and Horticultural Society may hold real and personal estate to an amount not exceeding twelve thousand dollars.

Real and per-  
sonal estate.

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

*Approved June 13, 1890.*

**Chap.412** AN ACT AUTHORIZING THE CITY OF BOSTON TO PAY THE SUPERVISORS WHO SERVED AT THE LAST STATE AND MUNICIPAL ELECTIONS.

*Be it enacted, etc., as follows:*

May pay supervisors at elections.

SECTION 1. The city of Boston may by action of the city council pay to the supervisors who served in said city at the last state and municipal elections, and who were appointed under the authority of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, a sum not exceeding five dollars each for each day's service.

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

*Approved June 13, 1890.*

**Chap.413** AN ACT IN ADDITION TO CERTAIN ACTS TO SUPPLY THE TOWN OF WINCHESTER WITH PURE WATER.

*Be it enacted, etc., as follows:*

May issue additional water bonds.  
1872, 265.

SECTION 1. The town of Winchester, for the purpose of supplying said town with pure water, is authorized to issue notes or bonds from time to time, as it may deem necessary, to an amount not exceeding twenty-five thousand dollars in addition to the amounts already authorized to be borrowed, subject to the conditions set forth in chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-two, the same to be denominated Winchester Water Fund Bonds, and to be payable at periods not more than thirty years from their respective dates.

Authority heretofore given is confirmed.  
1872, 265.  
1873, 277.  
1875, 98.

SECTION 2. The authority of said town in purchasing and taking lands and water rights, and creating and establishing reservoirs under said chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-two, in the territory defined in chapter two hundred and seventy-seven of the acts of the year eighteen hundred and seventy-three and chapter ninety-eight of the acts of the year eighteen hundred and seventy-five, is hereby confirmed and made valid; and such authority and the other powers conferred by said chapter two hundred and sixty-five are also extended and applied to said territory, to such further extent as may be necessary to enable said town to take or acquire any additional land or aque-

duct rights in said territory, and to conduct the water from said territory and distribute the same.

SECTION 3. The powers and duties conferred upon commissioners by said chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-two may be exercised by the present water board of said town and their successors in office in the further acquirement of lands and rights and in the completion of the water supply system of said town.

Powers of commissioners may be exercised by water board.

*Approved June 13, 1890.*

AN ACT TO INSURE HOSPITAL CARE AND TREATMENT FOR CERTAIN Chap.414  
INSANE PERSONS.

*Be it enacted, etc., as follows :*

SECTION 1. Chapter eighty-seven of the Public Statutes is hereby amended by striking out section twenty-five of said chapter and substituting therefor a new section as follows :— *Section 25.* When the state board has reason to believe that any insane person is deprived of proper treatment and is confined in an almshouse or other place, whether such insane person is a public charge or otherwise, it shall cause application to be made to a judge for the commitment of such person to a hospital in the manner herein prescribed.

Amendment to P. S. 87.

Insane person in almshouse to be sent to a hospital.

SECTION 2. Chapter three hundred and nineteen of the acts of the year eighteen hundred and eighty-six is hereby amended by striking out section three of said chapter and substituting therefor a new section as follows :— *Section 3.* The overseers of the poor shall not commit to nor detain in any almshouse, private dwelling or other place, without remedial treatment, any insane person whose insanity has continued for a period less than twelve months ; and within seven days from the admission or discharge of any insane person in their care, to or from any almshouse, private dwelling or other place, said overseers shall report in writing such admission or discharge to the state board of lunacy and charity. All persons suffering from recent insanity shall have the opportunity of medical treatment in some hospital or asylum, under the direction of a physician qualified according to the provisions of section thirteen of chapter eighty-seven of the Public Statutes, if they or their friends so desire.

Amendment to 1886, 319.

Duties of overseers of the poor in commitment and detention of insane persons.

Medical treatment. P. S. 87, § 13.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and ninety.

To take effect July 1, 1890.

*Approved June 13, 1890.*

**Chap.415** AN ACT AUTHORIZING AN APPROPRIATION FOR THE PAYMENT OF  
EXTRAORDINARY EXPENSES.

*Be it enacted, etc., as follows :*

Appropriations.  
1887, 411, §§ 98-  
105.

SECTION 1. There shall be appropriated each year a sum not exceeding twenty thousand dollars, to be paid out of the treasury of the Commonwealth, for carrying out the provisions of section ninety-eight and the succeeding sections to and including section one hundred and five of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-seven, for the entertainment of the president of the United States and other distinguished guests while visiting or passing through this Commonwealth, and for such other extraordinary expenses as the governor and council may in their discretion deem necessary and which are not otherwise provided for.

Entertainment  
of president,  
etc.

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

*Approved June 14, 1890.*

**Chap.416** AN ACT RELATING TO LOANS OR PLEDGES WITH HOUSEHOLD GOODS,  
WEARING APPAREL OR ARTICLES OF PERSONAL USE OR ORNAMENT  
AS COLLATERAL.

*Be it enacted, etc., as follows :*

Loans or  
pledges with  
household  
goods, etc.

SECTION 1. Every person, other than licensed pawnbrokers, engaged in the business of making loans on collateral security represented by household goods, wearing apparel, watches, diamonds, jewelry or other articles of personal use or ornament, or on notes secured by pledge or mortgage of any such property, when such property is deposited with the person making the loan, or who purchases such property on condition of selling the same back again at a stipulated price, or who pays or advances money thereon under such circumstances that it may be inferred from the character of the transaction that such property may be afterwards redeemed, shall keep a book in which shall be recorded at the time of each loan or transaction a full and accurate description of the goods, articles or things pledged or deposited, for the purpose of identification, together with any designating numbers or marks, and also the name and residence of the borrower or party depositing such property, and each transaction shall be specifically numbered in said book.

Record to be  
kept.



SECTION 2. Every person engaged in the business mentioned in section one shall give to each borrower or depositor a receipt, ticket or card, inscribed with the name of the lender, the article or articles pledged, the description of the property as required in section one, the name of the borrower or depositor, the amount of the loan, the date when made, the date when payable; which said receipt, ticket or card shall be numbered to correspond with the number of the transaction on said book.

Borrower to be given a receipt, etc.

SECTION 3. Said book shall at all times be open to the inspection of the board of police, the superintendent and chief inspector of police, of the city of Boston, the chief of the district police and the chief of police and selectmen of their respective cities or towns, or any or either of them, or to any officer who shall be specially authorized in writing for that purpose by any or either of them, and who exhibits such written authority; and the property described in said book shall be exhibited to said officers or either of them on their demand.

Record book to be open to inspection of the police, etc.

SECTION 4. Every person engaged in said business as aforesaid, or his agent or other person in charge thereof, who fails or refuses to allow the inspection of said book, or who wilfully hinders, obstructs or prevents such officer or officers from making said inspection or from examining said property as provided in the preceding section, or wilfully violates any other provisions of this act, shall be punished by fine not exceeding two hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Penalties for refusing inspection, etc.

SECTION 5. If it shall appear to any of the officers mentioned in section three of this act that any articles pledged to any person as herein provided have been stolen, such officer may give to such person a notice in writing to hold such articles so pledged, and the same shall thereafter be held by such person for sixty days (unless said notice shall be recalled in writing by the officer giving the same), subject to inspection and examination at all reasonable times; and the same shall be produced upon notice or summons by the district-attorney or other prosecuting officer before any grand jury or court of justice, when the question of the larceny of the same is under legal investigation, and said person shall not be held liable in damages or otherwise to any one for or on account of such detention.

Articles pledged to be retained if they appear to have been stolen.

Construction of  
1888, 388.

SECTION 6. Chapter three hundred and eighty-eight of the acts of the year eighteen hundred and eighty-eight shall not be construed to apply to licensed pawnbrokers, nor to have repealed or affected section thirty-four of chapter one hundred and two of the Public Statutes.

Repeal of 1885,  
252.

SECTION 7. Chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-five is hereby repealed.  
*Approved June 16, 1890.*

**Chap.417** AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY HOSPITAL  
IN THE CITY OF QUINCY.

*Be it enacted, etc., as follows :*

Amendment to  
1889, 107, § 2.

SECTION 1. Section two of chapter one hundred and seven of the acts of the year eighteen hundred and eighty-nine is hereby amended by inserting after the word "hospital", in the sixth line thereof, the words:—and said corporation may also, subject to said limitation of amount, purchase and hold real estate in the city of Quincy,—so that said section as amended shall read as follows:—*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; and said corporation may also, subject to said limitation of amount, purchase and hold real estate in the city of Quincy, provided always that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest.

May hold real  
estate granted,  
etc., to it not  
exceeding  
\$500,000.

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

*Approved June 16, 1890.*

**Chap.418** AN ACT RELATING TO OFFICERS AND DEPARTMENTS IN THE CITY  
OF BOSTON.

*Be it enacted, etc., as follows :*

Officers in  
charge of de-  
partments may  
hold office, not  
exceeding three  
years, as may  
be determined  
by ordinance.

SECTION 1. Every person now or hereafter having sole or joint charge of a department of the city of Boston shall hold office for such term, not exceeding three years beginning with the first day of May in the year of his appointment, as the city council may by ordinance determine, and until his successor is appointed and confirmed: *provided, however,* that all members of boards and all trustees shall hold office for such terms as may be specified in the stat-

utes creating them and until their respective successors are appointed and confirmed, but such terms shall begin with the first day of May in the year of appointment. All officers, except election officers and those above named, appointed by the mayor and confirmed by the board of aldermen of said city, shall hold office for terms of one year beginning with the first day of May in the year of appointment and until their respective successors are appointed and confirmed. Any officer appointed by the mayor and confirmed by the board of aldermen of said city may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order for removal.

Removal from office by the mayor.

SECTION 2. The term "subordinate" in this act, and in all other acts relating to the city of Boston or its departments, shall be construed to include only assistants, deputies, clerks and other officers, appointed by an officer or board in charge of a department, and paid a yearly salary.

Term "subordinate" construed.

SECTION 3. Every subordinate of a department of said city shall continue to hold his office until removed by the officer or board in charge of the department, for such cause as he, or it, shall deem sufficient, and shall assign in the order of removal.

Subordinates to hold office until removed.

SECTION 4. Every officer or board in charge of a department in said city, when authorized to erect a new building or to make structural changes therein, shall make contracts therefor, not exceeding five, each contract to be subject to the approval of the mayor; and when about to do any work or to make any purchase, the estimated cost of which amounts to or exceeds two thousand dollars, shall, unless the mayor give a written authority to do otherwise, invite proposals therefor by advertisements in not more than four daily newspapers published in said city, such advertisements to state the time and place for opening the proposals in answer to said advertisements, and reserving in such invitations the right to the officer or board to reject any or all proposals.

Contracts to be made for building, etc.

SECTION 5. Every proposal for doing such work or making such sale shall be accompanied by a suitable bond, certified check or certificate of deposit, for the faithful performance of such proposal, and all such proposals shall be kept by the officer or board inviting the same, and shall be open to public inspection after said proposals have been accepted or rejected.

Proposals to be accompanied by a bond, etc.

Contracts amounting to \$2,000 to be in writing.

Contracts to be accompanied by a bond or deposit.

Treasurer to invite proposals for loans.

Rate of interest to be fixed by treasurer.

Repeal of 1855, 205, § 5.

SECTION 6. All contracts made by any department of the city of Boston shall, when the amount involved is two thousand dollars or more, be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor in writing is affixed thereto. All such contracts shall be accompanied by a suitable bond or deposit of money or other security for the faithful performance of such contracts, and such bonds or other security shall be deposited with the city auditor until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his or their bond, and the officer or board making the contract, with the approval of the mayor affixed thereto.

SECTION 7. The treasurer of said city, when authorized to issue any bonds or certificates of indebtedness of said city, except for a loan in anticipation of taxes for the year in which the loan is made shall, unless the commissioners of the sinking funds or persons having charge of any trust funds of said city purchase the same, invite proposals for the purchase thereof by advertisements in four daily newspapers published in said city, reserving to himself the right to reject any and all bids; in case no such proposal is accepted, the treasurer may, with the approval of the mayor, award or give any part of the loan, or the entire loan in parts to any other person or party, provided only it be at a price or sum not less than par. The rate of interest on such certificates of indebtedness for a loan in anticipation of taxes shall be fixed by said treasurer.

SECTION 8. Section five of chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five is hereby repealed.

SECTION 9. This act shall take effect upon its passage.

*Approved June 16, 1890.*

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**Chap.419** AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS.

*Be it enacted, etc., as follows:*

Proceedings made valid.

SECTION 1. The proceedings of town meetings of the several towns heretofore held shall not be invalid for the reason that the tellers appointed at said meetings were sworn by the moderators instead of being sworn by the town clerks.

SECTION 2. Tellers hereafter appointed in towns may be sworn by the moderators of the meetings at which they are appointed. Tellers may be sworn by moderators.

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

*Approved June 16, 1890.*

AN ACT REGULATING THE PRACTICE IN PROBATE COURTS AND COURTS OF INSOLVENCY. Chap.420

*Be it enacted, etc., as follows :*

SECTION 1. Any attorney-at-law duly authorized may enter his appearance as attorney for the party represented by him in any proceeding in any probate court or court of insolvency. All processes and notices served upon such attorney shall have the same force and effect as if served upon the parties themselves. Practice in probate courts.

SECTION 2. The supreme judicial court and the probate courts and courts of insolvency shall make rules and regulations so as to require notice to be given to such attorney or to the parties interested, of any motion, hearing, or other proceeding proposed in any case before said courts. Practice in courts of insolvency.

*Approved June 16, 1890.*

AN ACT RELATING TO ASSESSMENT INSURANCE.

Chap.421

*Be it enacted, etc., as follows :*

SECTION 1. Every contract whereby a benefit is to accrue to a party or parties named therein, which benefit is conditioned, not upon fixed payments but upon the collection from time to time of an assessment upon persons holding similar contracts, shall be deemed a contract of insurance on the assessment plan; and the business involving the issuance of such contracts shall be carried on in this Commonwealth only by duly organized corporations subject to the provisions and requirements of this act. If the benefit is to accrue through the death of the insured person, the contract shall be of life insurance; if through the accidental death only, or the physical disability from accident of the insured, it shall be of casualty insurance; and such business shall be lawful only as defined and permitted by this act; but fraternal beneficiary organizations conducting their business in accordance with the provisions of chapter four hundred and twenty-nine of the acts of eighteen hundred and eighty-eight shall be exempt from the provisions of this act. Contract of insurance on the assessment plan.  
Life insurance.  
Casualty insurance.  
Fraternal beneficiary organizations exempt from provisions, 1888, 429.

Corporations  
for disability or  
death benefits.

SECTION 2. Seven or more persons, residents of this Commonwealth, may form a corporation for the purpose of paying disability or death benefits, or both, as hereinafter provided.

Terms of agree-  
ment.

SECTION 3. The agreement shall state that the subscribers thereto associate themselves with the intention of forming a corporation, the name of the corporation, the purpose for which it is formed and the town or city, which shall be in the Commonwealth, in which it is located. The name shall be one not previously in use by an existing corporation nor so similar as to be liable to be mistaken therefor; it shall indicate that it is a corporation or company, and may be changed only by act of the general court.

First meeting of  
associates.

SECTION 4. The first meeting of the associates shall be called by a notice signed by one or more of the subscribers to such agreement, stating the time, place and purpose of the meeting; a copy of which notice shall, seven days at least before the day appointed for the meeting, be given to each subscriber or left at his usual place of business or place of residence, or deposited in the post office, post paid, and addressed to him at his usual place of business or residence. And whoever gives such notice shall make affidavit of his doings, which shall be recorded in the records of the corporation.

Temporary  
clerk; adoption  
of by-laws and  
election of offi-  
cers.

SECTION 5. At such first meeting, including any necessary or reasonable adjournment, an organization shall be effected by the choice by ballot of a temporary clerk, who shall be sworn, and by the adoption of by-laws and the election of directors, treasurer and clerk by ballot, or such other officers as the by-laws may provide; but at such first meeting no person shall be eligible as a director, or other similar officer, who has not subscribed the agreement of association. The temporary clerk shall make and attest a record of the proceedings until the clerk has been chosen and sworn, including a record of such choice and qualification.

May prescribe  
by by-laws du-  
ties of officers.

SECTION 6. The corporation may prescribe by its by-laws the manner in which and the officers and agents by whom the purposes of the corporation may be carried out.

Terms of office.

SECTION 7. Officers chosen as required in section five shall hold office until the next succeeding meeting of the corporation for the election of officers, the date for which,

within two years of the time of organization, shall be prescribed by the by-laws, at which, and thereafter at least biennially, the before-mentioned officers shall be chosen and shall hold office until their successors are elected and qualified.

SECTION 8. The presiding officer, treasurer and a majority of the directors (or other officers) shall forthwith make, sign and swear to a certificate setting forth a true copy of the agreement and declaration of purpose of the association, with the names of the subscribers thereto, the date of the first meeting, and the successive adjournments thereof, if any, and shall submit such certificate and the records of the corporation to the insurance commissioner, who shall make such examination and require such evidence as he deems necessary; and if it appears that the purposes and proceedings of the corporation conform to law, he shall certify thereto, and the certificate shall then be filed by said officers in the office of the secretary of the Commonwealth, who, upon payment of a fee of five dollars, shall cause the same, with the endorsements, to be recorded, and shall thereupon issue a certificate in the following form: —

Certificate and records to be submitted to insurance commissioner.

When approved by the commissioner certificate to be filed in secretary's office.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [here the names of the subscribers to the agreement of association shall be inserted] have associated themselves with the intention of forming a corporation under the name of [here the name of the corporation shall be inserted], for the purpose [here the purpose declared in the agreement of association shall be inserted], and have complied with the provisions of the statutes of this Commonwealth in such case made and provided, as appears from the certificate of the officers of said corporation, duly certified by the insurance commissioner and recorded in this office: now, therefore, I [here the name of the secretary shall be inserted], secretary of the Commonwealth of Massachusetts, do hereby certify that said [here the names of the subscribers to the agreement of association shall be inserted], their associates and successors, are legally organized and established as and are hereby made an existing corporation under the name of [here the name of the corporation shall be inserted], with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto. Witness my official signature hereunto subscribed, and the seal of the Commonwealth of Massachusetts hereunto affixed, this            day of            in the year            . [In these blanks the day, month and year of execution of the certificate shall be inserted.]

Form of certificate to be issued by the secretary.

Certificate to be conclusive evidence of existence of corporation.

The secretary shall sign the same and cause the seal of the Commonwealth to be thereto affixed, and such certificate shall be conclusive evidence of the existence of such corporation at the date of such certificate. He shall also cause a record of such certificate to be made and a certified copy of such record may be given in evidence with like effect as the original certificate.

May transact business of life or casualty insurance on assessment plan.

SECTION 9. Corporations so organized may transact the business of life or casualty insurance arising from accident, or both, on the assessment plan; but no such corporation shall assume any liability, make any other than the advance assessment or issue any policy or certificate, until at least five hundred persons have subscribed in writing to be insured therein, and have each paid in one full mortuary or disability assessment, to be held in trust for the beneficiaries, which shall have been deposited as hereinafter provided, nor until the insurance commissioner has certified that it has complied with the provisions of this law and is authorized to transact business. The insurance commissioner may require of the applicants for such certificate, and at any time of the officers of any corporation organized or transacting business under this act, such evidence, under oath or otherwise, in relation to the affairs of the corporation as he may deem necessary.

Sum to be paid to be specified in policy.

SECTION 10. Every policy or certificate hereafter issued by any such corporation shall specify the sum of money which it promises to pay upon the contingency insured against, which shall not be larger than the amount of one assessment upon the entire membership, and the number of days after satisfactory proof of the happening of such contingency at which such payment shall be made; and upon the occurrence of such contingency, unless the contract shall have been voided by fraud or for want of validity, the corporation shall be obligated to the beneficiary for such payment at the time and to the amount specified in the policy or certificate; and this indebtedness shall be a lien upon all the property, effects and bills receivable of the corporation, with priority over all indebtedness thereafter incurred, except as hereinafter provided in case of the distribution of assets of an insolvent corporation. If the insurance commissioner shall be satisfied, on investigation, that any such corporation has refused or failed to make such payment for thirty days after it became due, and after proper demand, he shall

Upon failure to pay for thirty days may be notified to suspend business.



notify the corporation to suspend business until such indebtedness is fully paid. While such notice is in force no officer or agent of the corporation shall make, sign or issue any certificate of insurance, nor issue any notice of nor call upon the members for payment of an assessment; and all moneys received from any source by the corporation, its agents or officers, shall be forthwith deposited in some bank or trust company to await a final decision as provided in the following section.

SECTION 11. Whenever the insurance commissioner shall have given the notice required by the foregoing section, he shall proceed without delay to investigate the condition of the corporation, and shall have full power, in person or by deputy, to examine its books, papers and accounts, and to examine under oath its officers, agents, clerks and certificate holders, or other persons having knowledge of its business; and if it shall appear to him that its liabilities exceed its resources, and that it cannot within a reasonable time, not more than three months from the date of the original default, pay its accrued indebtedness in full, he shall report the facts to the attorney-general, who shall, upon the commissioner's report, apply to a justice of the supreme judicial or superior court for an order closing the business of the corporation, and appointing a receiver for the distribution of its assets among creditors: *provided*, that no such final order shall be made until the corporation shall have had ten days' notice of the application and an opportunity to be heard; and *provided*, that upon hearing the matter the court shall have power to make any order which the interest of the corporation and the public may require.

SECTION 12. No such corporation shall transfer its risks to or re-insure them in any other corporation, unless the said contract of transfer or re-insurance is first submitted to and approved by a two-thirds vote of a meeting of the insured called to consider the same, of which meeting a written or printed notice shall be mailed to each policy or certificate holder at least ten days before the day fixed for said meeting; and in case said transfer or re-insurance shall be approved, every policy or certificate holder of the said corporation who shall file with the secretary thereof, within five days after said meeting, written notice of his preference to be transferred to some other corporation than that named in the contract, shall

Commissioner, without delay, to investigate condition of corporation.

Upon report of the facts, the attorney-general to apply to the courts for appointment of receiver, etc.

Provisos.

Transfer of risks, re-insurement, etc.

Dissolution of corporation.

be accorded all the rights and privileges, if any, in aid of such transfer as would have been accorded under the terms of the said contract had he been transferred to the corporation named therein. Such vote of approval of a contract of re-insurance or transfer shall act as a dissolution of the corporation, and all liability upon its certificates shall cease at the expiration of the before-mentioned five days following such vote, but its officers may thereafter perform any act necessary to close its affairs. If such vote of approval of re-insurance or transfer shall include an agreement for the transfer of an emergency fund to the re-insuring corporation, the insurance commissioner may approve an order therefor; and thereupon the state treasurer shall transfer the said emergency fund in accordance with said agreement.

Corporation doing business fraudulently, etc., to be proceeded against in the courts.

SECTION 13. When the insurance commissioner, on investigation, is satisfied that any such corporation has exceeded its powers, failed to comply with any provision of law or is conducting business fraudulently, he shall report the facts to the attorney-general, who shall thereupon apply to a justice of the supreme judicial or superior court for an injunction restraining such corporation from the further prosecution of business; and the said justice, upon hearing the matter, may issue such injunction, or decree the removal of any officer, and substitute a suitable person to serve in his stead until a successor is duly chosen, and may make such other order and decrees as the interests of the corporation and the public may require.

Emergency fund to be accumulated.

SECTION 14. Such corporations shall provide in their contracts with policy or certificate holders for the accumulation of an emergency fund, which shall be at all times not less than the proceeds of one death or disability assessment on all policy or certificate holders thereof; said fund shall be accumulated within six months from the date of their incorporation, and, together with the income thereon, shall be a trust for the payment of death and disability claims: *provided*, that whenever said emergency fund is in excess of double the amount of one death or disability assessment upon the entire membership, the corporation may apply such excess, or any portion thereof, in reduction of assessments upon policy or certificate holders, or in such other equitable division or apportionment thereof as its rules or contracts may provide. Said fund shall be invested in securities in which insurance companies are

Proviso.

Investment of fund.

allowed by law to invest their capital, and of such securities an amount not less than one assessment shall be deposited in trust with the treasurer of the Commonwealth; but the corporation shall have at all times, on approval of the insurance commissioner, the right to exchange any part of said securities for others of a like amount and character. Any portion of said emergency fund may be drawn by a requisition, signed by two-thirds of the directors and indorsed by the insurance commissioner, setting forth that the same is to be used for the purposes of said trust. When any such corporation shall discontinue business, any justice of the supreme judicial or superior court may appoint a receiver to administer any unexhausted portion of said fund, which shall be used, less such compensation not to exceed five per centum thereof, when the assets exceed five thousand dollars, as such court or justice may allow the receiver: first, in the payment of accrued claims upon certificates or policies, or if insufficient to pay such claims in full, they shall be paid pro rata; second, if a balance remain, in the payment of like claims thereafter accruing in the order of their occurrence.

Disposition of fund when corporation discontinues business.

SECTION 15. The officers of any corporation who shall refuse or neglect, for a space of sixty days after the filing of satisfactory proof of the death of any certificate or policy holder, where the claim so arising is not disputed on account of fraud or want of validity and where the death or emergency fund is not sufficient to pay said claim, to levy an assessment to provide for the same, shall thereby become liable to the beneficiary under said certificate or policy in a sum not exceeding the face of said claim.

To levy assessment within sixty days after proof of death of policy holder if the death fund is insufficient.

SECTION 16. Any corporation organized under authority of another state or government to issue policies or certificates of life or casualty insurance on the assessment plan, as a condition precedent to transacting business in this state, shall deposit with the insurance commissioner a certified copy of its charter; a statement, under oath, of its president and secretary in the form required by the insurance commissioner, of its business for the preceding year; a certificate, under oath, of its president and secretary, that it is paying, and for the twelve months then next preceding has paid, the maximum amount named in its policies or certificates in full; a certificate

Requirements of foreign corporations before doing business in this state.

Foreign corporations doing business in this state.

from the proper authority in its home state that corporations of the Commonwealth engaged according to the provisions of this act in life or casualty insurance on the assessment plan, are legally entitled to do business in such state; a copy of its policy or certificate and application, which must show that benefits are provided for by assessment upon policy or certificate holders; evidence satisfactory to the insurance commissioner that the corporation has accumulated and maintains a fund equal in amount to that required by section fourteen of this act, that such accumulation is permitted by the law of its incorporation and is a trust for the benefit of policy or certificate holders only, and is securely invested. The insurance commissioner shall thereupon issue or renew the authority of such corporation to do business in this Commonwealth; and such authority shall be revoked whenever the insurance commissioner, on investigation, is satisfied that such corporation is not paying in full the maximum amount named in its policies or certificates, or that it has otherwise failed to comply with any of the provisions of this act or its own contracts. Upon such revocation the commissioner shall cause notice thereof to be published in the newspaper in which the general laws are published; and no new business shall be thereafter done by it or its agents in the Commonwealth. A foreign corporation admitted to transact business under this act shall pay, on filing its application, thirty dollars, and for each annual statement thereafter, twenty dollars. When any other state or country shall impose any obligation in excess of those imposed by this act upon any such corporation of the Commonwealth, the like obligation shall be imposed on similar corporations, and their agents, of such state or country doing business in this state.

To appoint the insurance commissioner their attorney upon whom process may be served.

SECTION 17. Every foreign corporation shall, before doing business in this Commonwealth, appoint in writing the insurance commissioner or his successor in office to be its true and lawful attorney, upon whom all lawful processes in any action or proceeding against it may be served; and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served on the corporation, and that the authority shall continue in force so long as any liability remains outstanding against the corporation in this Commonwealth. A copy of the writing, duly certified and

authenticated, shall be filed in the office of the commissioner, and copies certified by him shall be deemed sufficient evidence thereof. Service upon such attorney shall be deemed sufficient service upon the principal. When legal process against any such corporation is served upon the commissioner, he shall immediately notify the corporation of such service by letter prepaid and directed to its secretary, or in the case of a corporation of a foreign country, to the resident manager, if any, in this country; and shall, within two days after such service, forward in the same manner a copy of the process served on him to such secretary or manager, or to any person previously designated by the corporation in writing. The plaintiff in each process so served shall pay to the commissioner at the time of such service a fee of two dollars, which shall be recovered by him as a part of the taxable costs, if he prevails in the suit. The commissioner shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

SECTION 18. Any foreign assessment corporation transacting business under this act shall file with the insurance commissioner the name and residence of each person it shall appoint or employ to act as its agent; and whoever shall assume to act as such agent, or shall in any manner for compensation aid in negotiating contracts of insurance on behalf of such corporation for a person other than himself, before such notice of appointment or employment is filed, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section twenty-six of this act.

To file names and residence of agents with the insurance commissioner.

SECTION 19. Any person who shall solicit assessment insurance for, or in any manner assist in placing such insurance in, any corporation or organization not authorized to do business in the Commonwealth shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section twenty-six of this act.

Penalty for soliciting assessment insurance in unauthorized corporation.

SECTION 20. No corporation doing business under this act shall issue a certificate or policy upon the life of any person more than sixty years of age, nor upon any life in which the beneficiary named has no interest: *provided, however*, that in case of the transfer or re-insurance of members, as provided in section twelve, the foregoing limit of age shall not apply to members who have reached sixty years since their membership began. Every call

Not to issue policy upon life of person of more than sixty years of age, etc. Provisos.

for payments by the policy or certificate holders shall distinctly state the purpose of the same, and whether any part thereof shall or may be used for expenses, and if so how much : *provided, however*, that expenses incurred in investigating and contesting cases believed to be fraudulent may be considered as a part of the mortuary expense. Any assignment of a policy or certificate to a person having no interest in the insured life shall render such policy or certificate void.

Copies of application and of all by-laws, etc., referred to in policy to be attached thereto.

SECTION 21. All policies or certificates hereafter issued to persons within the Commonwealth by corporations transacting business therein under this act, which policies or certificates contain any reference to the application of the insured, or the constitution, by-laws or other rules of the corporation, either as forming part of the policy or contract between the parties thereto, or having any bearing on said contract, shall contain or have attached to said policy or certificate a correct copy of the application as signed by the applicant, and the portions of the constitution, by-laws or other rules referred to ; and unless so attached and accompanying the policy, no such application, constitution, by-laws or other rules shall be received as evidence in any controversy between the parties to or interested in said policy or certificate, and shall not be considered a part of the policy or of the contract between such parties. The said policy or certificate, application, constitution, by-laws or other rules shall be plainly printed, and no portion thereof shall be in type smaller than brier : *provided, however*, that nothing in this section shall be construed as applying to health certificates or contributory receipts or other evidences used in reinstatement of a policy or certificate.

Policy, etc., to be plainly printed.

Proviso.

To make annual returns to the commissioner.

SECTION 22. Every corporation doing business under this act shall annually, on or before the first day of February, return to the insurance commissioner, in such manner and form and including such information as he may require, a sworn statement of its affairs for the year ending on the preceding thirty-first day of December. The insurance commissioner may personally or by his deputy or chief clerk visit each domestic insurance corporation doing business on the assessment plan, whenever he shall deem it necessary, and thoroughly inspect and examine its affairs, especially as to its financial condition and ability to fulfil its obligations, and whether it has complied

Examination of affairs of domestic insurance corporation.

with the laws. Whenever he deems it prudent for the protection of the policy holders in the Commonwealth he may in like manner visit and examine, or cause to be visited and examined by some competent person or persons he may appoint for that purpose, any foreign insurance company doing business on the assessment plan, applying for admission or already admitted to do business in the Commonwealth, and such company shall pay the expense of such examination, including the expenses of the commissioner or the persons he may appoint and the expenses and compensation of all assistants employed therein. For the purposes aforesaid the commissioner or person making the examination shall have free access to all the books and papers that relate to the business of such company, and to the books and papers kept by any of its agents, and may summon and qualify as witnesses under oath, and examine the directors, officers, agents and trustees of any such company and any other persons, in relation to its affairs, transactions and condition.

Examination of  
foreign insur-  
ance companies.

SECTION 23. The money or other benefit, charity, relief or aid to be paid, provided or rendered by any corporation authorized to do business under this act, shall not be liable to attachment by trustee or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process, nor by operation of law, to pay any debt or liability of a policy or certificate holder, or any beneficiary therein.

Benefit not li-  
able to attach-  
ment.

SECTION 24. Any solicitor, agent, examining physician or other person, who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for insurance, or for the purpose of obtaining any money or benefit, in any corporation transacting business under this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, at the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a policy or certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as

Penalty on  
agent, etc., for  
making false  
statement, etc.

provided by the statutes of the Commonwealth in relation to the crime of perjury.

Corporations for insurance on assessment plan may re-incorporate under this act.

SECTION 25. Any corporation existing under the laws of this Commonwealth, and now engaged in transacting the business of insurance on the assessment plan, may re-incorporate under the provisions of this act: *provided*, that nothing in this act contained shall be construed as requiring or making it obligatory upon any such corporation to re-incorporate, and any such corporation may continue to exercise all rights, powers and privileges conferred by this act, or its articles of incorporation not inconsistent herewith, and shall be subject to the requirements and penalties of this act the same as if re-incorporated hereunder. No charter granted under the provisions of this act shall continue valid after one year from the date thereof unless the organization has been completed and business begun thereunder.

Penalty on corporation, etc., for neglecting to comply with provisions.

SECTION 26. Any corporation, association or society transacting in the Commonwealth life or casualty insurance on the assessment plan, and any agent or officer of such corporation, association or society neglecting to comply with or violating any provision of this act, shall be punished by a fine of not less than one hundred and not exceeding five hundred dollars.

Provisions of 1887, 214, not to apply.

SECTION 27. The provisions of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven shall not apply to corporations organized under or transacting business in conformity to this act; but except as specifically provided herein, and in the chapter defining the rights and privileges of fraternal beneficiary corporations, all insurance or benefit contracts within the Commonwealth, or with residents thereof, shall be conducted in accordance with the provisions and subject to the limitations of chapter two hundred and fourteen of the acts of the year one thousand eight hundred and eighty-seven.

Repeal.

SECTION 28. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Provisions to be construed as a continuation of laws and not as new enactments.

SECTION 29. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil



or criminal, pending or to be instituted to enforce any right or penalty or punish any offence under the authority of the repealed laws; and any person who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof, unless such office is abolished or a different provision is herein made.

*Approved June 19, 1890.*

AN ACT RELATING TO THE ESTABLISHMENT OF A HOSPITAL FOR THE INHABITANTS OF THE CITY OF FITCHBURG. *Chap. 422*

*Whereas*, Gardner S. Burbank late of the city of Fitchburg, deceased, in and by his last will and testament bearing date April twelfth, eighteen hundred and seventy-five, and proved and allowed at the probate court holden at Worcester within and for the county of Worcester on the sixth day of March, A. D. eighteen hundred and eighty-eight, did make provision for founding and maintaining a hospital within said city of Fitchburg and for the use of all its inhabitants, by a generous bequest, now amounting to more than four hundred and thirty thousand dollars. Now, therefore, to enable the inhabitants of said city of Fitchburg to receive the benefits of said generous bequest of said testator and effectually to realize and meet the benevolent intention expressed in his said will, therefore, —

*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. Thornton K. Ware, George F. Fay, Amasa Norcross, Rodney Wallace, Charles T. Crocker, James Phillips, Jr., George Jewett, George D. Colony, Frederick H. Thompson, Benjamin D. Dwinell, John J. Sheehan, Elliott N. Choate, Henry A. Willis, Harris C. Hartwell and Harrington Sibley, all of said Fitchburg, and their successors who shall be residents therein, are hereby made a corporation by the name of the Burbank Hospital, for the sole purpose of establishing and maintaining a public hospital for the use of the inhabitants of the said city and others who may be admitted thereto under the provisions of said will who may require medical and surgical treatment.

SECTION 2. Said corporation shall have authority for the purpose aforesaid, and no other, to hold real and per-

Preamble.

Burbank Hospital incorporated.

Real and personal estate.

sonal estate to the amount of eight hundred thousand dollars.

Board of trustees.

SECTION 3. The mayor of the city of Fitchburg, the president of the common council and the city treasurer, severally for the time being, shall be trustees ex-officiis during the terms of their respective offices, and together with the corporators above named shall constitute the board of trustees, of whom the mayor shall be ex-officio chairman, and whose terms of office except as above provided shall be as follows: The trustees shall in the month of January in the year eighteen hundred and ninety-one elect five of their members whose terms of office are not fixed as above, who shall hold for the term of one year from the first day of February in the year eighteen hundred and ninety-one, and five of their own number who shall hold for the term of two years from said first day of February, and the remaining five shall be elected to hold for the term of three years from the said first day of February, and who shall severally hold for the terms for which they are elected and until their successors are chosen, and thereafter each class in succession for the period of three years.

Six members to constitute a quorum.

Six members of the board shall constitute a quorum except in the election or removal of trustees, when a majority of the board shall be required. Whenever a vacancy shall occur in the board of trustees by reason of the death, resignation or otherwise of the members so elected, the remaining trustees shall fill the vacancy for the unexpired term. If the board of trustees shall fail for three months to elect its members in accordance with the provisions of this act, the city council of the city of Fitchburg shall forthwith proceed to an election by concurrent vote. No member of the board as such shall receive compensation for his services. And the city of Fitchburg is hereby authorized and empowered to place in trust in the hands of the trustees of said corporation all funds, gifts and bequests, which are or may be held by it for the purpose of establishing and maintaining said hospital, especially all sums it may from time to time receive from the trustees appointed under the will of Gardner S. Burbank late of said Fitchburg, deceased. And said corporation shall, upon the acceptance of this act by the city council as hereinafter provided, receive and hold all past and future bequests and gifts that may be made for the maintenance of said hospital, and the same shall be appropriated, held

Funds, etc., may be placed in hands of trustees.

and used by said corporation for the sole use and purpose aforesaid as a trust in behalf of and for the inhabitants of said city, and to such other persons as may be permitted to enjoy the benefits of said hospital in pursuance of the provisions of said will. And said trustees shall render to the city council annually in the month of January a report of their proceedings, with a statement of the condition of the hospital, the property and funds pertaining to the same, with an accurate account of all receipts and expenditures, together with such other information or suggestions they may deem desirable or the city council may at any time require. And said trustees shall in behalf of said city carefully and considerately carry into execution the generous plan of the testator as contemplated by the said will.

To make annual report to the city council.

SECTION 4. And said trustees shall appoint a treasurer, and shall require of him a bond with satisfactory sureties in the penal sum of not less than twenty-five thousand dollars for the faithful discharge of his duties, and his books of accounts and vouchers shall at all times be open to the trustees aforesaid, or any one of them.

To appoint a treasurer, who shall give bond.

SECTION 5. The trustees shall appoint a clerk whose duty it shall be to keep a full and fair record of the proceedings of the board, and to discharge such other duties as they shall from time to time prescribe. The compensation of the treasurer and clerk shall be fixed by the board of trustees.

To appoint a clerk.

Compensation.

SECTION 6. The trustees shall have full power to elect such other officers as they may from time to time think necessary or expedient, and to determine and appoint the tenure of their offices, and of those of the treasurer and clerk; to remove any trustee who shall be incapable through age, infirmity or otherwise for the discharge of his duties as said trustee, or who by unreasonable absence from the meetings of the board shall fail to discharge the duties of his office, and generally to do all acts and things necessary or expedient to be done for the purpose of carrying into full effect the provisions and purposes of this act.

To have power to elect other officers, etc.

SECTION 7. It shall be the duty of the trustees to safely and securely invest, or to hold invested, the trust funds derived under said will or otherwise, and they shall have regard at all times to all the provisions of said will affecting said trust and the desire of the testator as

Investment of funds.

expressed therein, and particularly to the suggestions made in the following extract therefrom:—

EXTRACT FROM THE WILL OF GARDNER S. BURBANK.

Extract from  
will of Gardner  
S. Burbank.

And the remainder of said principal not hereinbefore disposed of under the preceding provisions of this will I direct my trustees to pay over to the city of Fitchburg as far as and as fast as it is released from the charges and annuities hereinbefore created, for the founding and maintaining of a hospital for the care of the sick. And while I do not wish to embarrass this gift with provisions and restrictions, but desire that the city shall carefully and considerately carry my plan into execution, believing that founders of benevolent institutions like the one I contemplate often create great difficulties by endeavoring to settle in advance the details of the work they have projected, still I wish to indicate in general terms two purposes which I desire to have executed. First:—I desire that a substantial and commodious hospital building shall be erected; and as I trust that my charity may survive and do good to the poor and sick for many generations, and also believe that the city of Fitchburg will in time be a large and prosperous city, I would suggest that the sum of at least one hundred thousand dollars be devoted to the purchase of the necessary land and the erection of the structure. And I also request and direct that while those who are able to pay for the services rendered them in the hospital may be subjected to such moderate and reasonable charge as is usual in such cases in similar charitable institutions, those on the other hand who are in poverty and sickness shall ever be received and cared for kindly and tenderly “without money and without price” and without regard to color or nationality. It is by the request of my wife, whose good judgment has so greatly aided me in all the affairs and purposes of my life, that I was led to make the foregoing provision for the foundation of a hospital.

To take effect  
upon accept-  
ance.

SECTION 8. This act shall take effect whenever it shall be accepted by a concurrent vote of the board of aldermen and common council of the city of Fitchburg.

Trust created  
by will not to be  
impaired.

SECTION 9. Nothing in this act contained shall be held to alter or impair any trust created by said will. And the corporation hereby created, acting through its trustees

and proper officers, shall be deemed the agent of said city of Fitchburg for the proper execution of all trusts arising under the provisions of said will. And nothing in this act contained shall be construed as releasing the city of Fitchburg from any obligation arising from the acceptance of said bequest under said will, or from any condition made therein. And the said Thornton K. Ware is hereby authorized and empowered to prescribe the time and place for the holding of the first meeting of said trustees and to notify them thereof.

*Approved June 19, 1890.*

First meeting of trustees.

AN ACT TO REVISE THE LAWS RELATING TO ELECTIONS.

*Chap. 423*

*Be it enacted, etc., as follows:*

SECTION 1. This act may be cited as the Election Act of Eighteen Hundred and Ninety. 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 election held in a city for the choice of a city officer, whether for a full term or for the filling of a vacancy, and the term "city officer" shall apply to any person to be chosen by the qualified voters at such an election. The term "town election" shall apply to any meeting held for the election of town officers, whether for a full term or for the filling of a vacancy, and the term "town officer" shall apply to any person to be chosen by the qualified voters at such a meeting.

Election Act of Eighteen Hundred and Ninety, — certain terms defined.

TITLE I.

QUALIFICATIONS AND REGISTRATION OF VOTERS.

SECTION 2. Every male citizen of twenty-one years of age and upwards (except paupers, persons under guardianship and persons excluded by article twenty of the amendments to the constitution) who has resided within the state one year and within the city or town in which he claims a right to vote six months next preceding any election of state, city or town officers, of representatives to congress, or of electors of president and vice-president, and who has paid, by himself, his parent, master or guardian, a state or county tax assessed

Qualifications of voters.

upon him in this state within two years next preceding such election; and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned; and also every citizen included in article twenty-eight of the amendments to the constitution, shall have a right to vote in all such elections; and no other person shall have such right to vote, except as provided in section five.

Soldier or sailor not disqualified because of non-payment of poll tax.

SECTION 3. 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.

Voter to reside in district six months before voting for representatives to Congress, etc.

SECTION 4. In an election of representatives to congress, no person shall be allowed to vote unless he has resided in the congressional district where he offers to vote six months next preceding such election, and is otherwise qualified according to the constitution and laws: *provided*, that when the state is districted anew for members of congress he shall have the right so to vote in his district according to such new arrangement; and *provided, also*, that no voter residing in a city which now is or hereafter may be divided by the line between congressional districts shall be deprived of his vote in the district in which he was assessed or liable to assessment on the first day of May next preceding such congressional election, if he is otherwise qualified.

Provisos.

Women may vote in elections for school committees.

SECTION 5. Every woman who is a citizen of this Commonwealth, of twenty-one years of age and upwards (except paupers, persons under guardianship and persons excluded by article twenty of the amendments to the constitution) who has resided within the state one year and within the city or town in which she claims a right to vote six months next preceding any election of school committees, and who has paid by herself, her parent, guardian or trustee, a state, county, city or town tax assessed upon her or her trustee in this state within two years next preceding such election, shall have a right to vote in all such elections for members of school committees.

Indians declared to be citizens of the Commonwealth.

SECTION 6. All Indians, and people of color heretofore known and called Indians, within this Commonwealth, are made and declared to be citizens of the

Commonwealth, and entitled to all the rights, privileges and immunities, and subject to all the duties and liabilities, to which citizens of this Commonwealth are entitled or subject.

SECTION 7. Every male inhabitant of a city or town, who, by reason of age, infirmity and poverty is exempted from taxation under the twelfth clause of section five of chapter eleven of the Public Statutes, shall be deemed to be exempted by law within the meaning of article three of the amendments to the constitution.

Persons exempted from taxation.

SECTION 8. The collectors of state and county taxes in each city and town shall keep an accurate account of the names of all persons from whom they receive payment of any state or county tax, and of the time of such payment, and upon request shall deliver to the person paying the same a receipt specifying his name and the time of payment, and such receipts shall be admitted as presumptive evidence thereof.

Collectors of state and county taxes to keep accurate accounts and to give receipts upon request.

SECTION 9. The collectors, whether the time for which they were chosen has expired or not, shall, twice in each year, namely, once not more than twenty-five nor less than twenty days before the annual city or town elections, and once not more than sixty nor less than fifty days before the Tuesday next after the first Monday in November, return to the registrars of voters of their respective cities and towns an accurate list of all persons from whom they have received payment of any state or county tax since the time appointed for making their last preceding return.

To return to registrars of voters names of persons who have paid tax.

SECTION 10. Every collector neglecting to make such return shall forfeit one hundred dollars for each neglect, and twenty dollars for every name in respect to which he makes a false return.

Penalty for not making return.

SECTION 11. The assessors of taxes in person 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

Assessors to make lists of all persons liable to pay a poll tax.

List of women desiring to be assessed.

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 and voting precincts 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, 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.

Assessors to furnish lists, etc., to registrars of voters.

Penalty on assessor for entering name of person on list not a resident of building wherein assessed.

SECTION 12. Any assessor or assistant assessor who shall knowingly enter or knowingly cause or allow to be entered, on the list of assessed polls, the name of any person not an actual resident of the dwelling-house or building wherein he is assessed, shall be punished for each offence by fine not exceeding five hundred dollars or imprisonment in the house of correction or county jail for a term not exceeding six months; and any person who shall knowingly give to an assessor or assistant assessor, for the purpose of such assessment, the name of any person as a resident of the house in which his name is given who is not a resident of said house, shall be punished for each offence by fine not exceeding one hundred dollars or imprisonment in the house of correction or county jail for a term not exceeding three months.

Penalty on tavern keeper or master, etc., of dwelling-house for not giving full and true information.

SECTION 13. Every keeper of a tavern or boarding-house, or master or mistress of a dwelling-house shall, upon application of an assessor or assistant assessor of the city or town wherein such house is situated, give full and true information of the names of all persons residing therein and liable to be assessed for a poll tax. Every such keeper, master or mistress refusing or neglecting to give such information after a written demand, of which this section shall form a part, has been duly served on him in person, shall be punished by fine not exceeding one hundred dollars or imprisonment in the county jail for a term not exceeding three months. Every person who is an inmate of any house kept or controlled by such keeper, master or mistress, and who is liable to be so assessed, who shall refuse or neglect to give his own name when required so to do by an assessor or assistant



assessor, after a written demand, of which this section shall form a part, has been duly served on him in person, shall be punished by fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months.

SECTION 14. When a male person, on or before the first day of October in any year, gives notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town that he was on the first day of May of that year an inhabitant thereof and liable to pay a poll tax, and furnishes under oath a true list of his polls and estate, both real and personal, not exempt from taxation, the assessor shall assess him for his polls and estate: but such assessment shall be subject to the provisions of section seventy-three of chapter eleven of the Public Statutes. And the assessors shall, on or before the fifth day of October, deposit with the registrars of voters or board charged with the preparation of the list of voters of the city or town a list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

Male person giving notice on or before October first that he was an inhabitant on first day of May, etc., may be assessed, etc.

SECTION 15. Any woman who is a citizen of this Commonwealth may, on or before the first day of October in any year, give notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town that she was on the first day of May of that year an inhabitant thereof and that she desires to pay a poll tax, and to furnish under oath a true list of her estate, both real and personal, not exempt from taxation, and she shall thereupon be assessed for her poll, not exceeding fifty cents, and for her estate, and the assessors shall, on or before the fifth day of October, return her name to the registrars of voters or board charged with the preparation of the list of voters of the city or town in the list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

A woman giving notice, etc., may be assessed.

SECTION 16. When a person makes application to the assessors of a city or town to be assessed a poll tax for the year then current, and it appears that the applicant was on the first day of May preceding an inhabit-

Assessment of persons engaged in military or naval service.

ant thereof and liable to pay a poll tax, but was not assessed therefor, and that he is or has been during any portion of the two years preceding such application engaged in the military or naval service of the United States, the assessors shall, provided the applicant has returned from said service subsequent to the time fixed by law for the close of assessment of taxes, forthwith assess such tax, and notify the treasurer of such city or town of the assessment; and the person so assessed shall upon payment of said tax have the same right to be registered and vote in said city or town as if his tax had been regularly assessed.

Sessions of assessors for making assessments.

SECTION 17. Assessors of taxes in cities shall be in session until ten o'clock on the last three afternoons of the periods in each year in which persons may be assessed for the payment of taxes in accordance with the two preceding sections; and in towns assessors of taxes shall be in session until ten o'clock on the last afternoon of such period.

Board of registrars of voters.

SECTION 18. The selectmen of each town, by a writing signed by them or by a majority of them, and filed with the town clerk, and the mayor of each city, subject to the approval of the board of aldermen, shall appoint three able and discreet persons, qualified voters in said city or town, who shall hold no other office or position by election or appointment in said city or town, who shall constitute, together with the city or town clerk for the time being, a board of registrars of voters. When a board of registrars of voters is first appointed, as hereinafter provided, one of the registrars shall be

Terms of office.

appointed to serve for the term of three years, one for the term of two years and one for the term of one year from the first day of May then next ensuing; and in the manner aforesaid, the mayor of each city and selectmen of each town shall in the month of March or April in each year appoint one person, qualified as aforesaid, to be a registrar of voters for the term of three years from the first day of May then next ensuing and until another is appointed in his place. In case of a vacancy occurring by reason of the death, resignation or removal from

Vacancies.

office of any one of the registrars appointed, as aforesaid, during the term for which he is appointed, the mayor or selectmen in the manner aforesaid shall appoint a person, qualified as aforesaid, for the residue of said

term. The members of said board shall equally represent the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment, and not more than two of them shall be of the same political party. Except as hereinafter provided, the city or town clerk shall act as clerk of the said board, shall keep a full and faithful record of its proceedings, and procure the serving or posting of such notices as the registrars may require.

Members to equally represent the largest two political parties.

City or town clerk to be clerk of the board.

SECTION 19. In any city which has accepted the provisions of chapter sixty-nine of the acts of the year eighteen hundred and eighty-nine, or which shall, by vote of the city council approved by the mayor, accept the provisions of this section, the mayor 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 or 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. During the month of May in each year following the acceptance of this section 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. Except as herein provided, the board of registrars of voters of any such city shall do and perform all things required of registrars of voters of cities and shall receive the same

Board of registrars of voters in certain cities.

compensation, and shall equally represent the two political parties, as provided in this title.

When member of board is absent, mayor or selectmen may temporarily fill vacancy.

SECTION 20. Whenever any member of the board of registrars of voters shall be incapacitated by sickness or other cause from performing the duties of his office, or shall be absent, at the time of any meeting of said board, from the city or town in which he is appointed, the selectmen of such town by a writing signed by them or a majority of them, or the mayor of such city, may, upon the request in writing of a majority of the remaining members of said board of registrars, appoint some person, qualified as provided in this title, temporarily to fill the vacancy caused as aforesaid. The person so appointed shall be of the same political party as the member of said board of registrars whose position he temporarily fills. Such temporary registrar shall perform the same duties, have the same powers and be subject to the same requirements, restrictions and penalties from the date of his appointment and during the time he holds his office as are now provided by law for duly appointed and qualified registrars of voters.

Balance of political parties to be preserved in composition of board.

SECTION 21. Whenever upon written complaint to the mayor of any city or selectmen of any town it shall, after notice and hearing, have been determined that the city or town clerk and the two registrars of voters whose terms of office do not expire that year represent the same political party, the said mayor or selectmen shall remove from office the registrar other than said clerk whose term would expire in the succeeding year. Whenever upon written complaint to the mayor of any city or selectmen of any town it shall, after notice and hearing, have been determined that a registrar of voters other than the city or town clerk has ceased to act with the political party which he was appointed to represent, the said mayor or selectmen shall remove him from office. All vacancies occurring under this section shall be filled in accordance with the provisions of section eighteen of this act.

Registrars thus appointed to perform duties of existing boards.

SECTION 22. The registrars, appointed as hereinbefore provided, shall perform all the duties in relation to the registration of voters now imposed upon existing boards of registration, and shall before entering upon the duties of their office take and subscribe an oath faithfully to perform the same. They shall receive such compensation as the city council or selectmen may from

time to time determine: but such compensation shall not be regulated by the number of names registered on any list of voters, and any reduction of compensation shall take effect upon such registrars only as are appointed after such reduction. The city council or selectmen shall furnish office room for the registrars and such aid as may be needed by them.

SECTION 23. The registrars, at their first meeting to make the register of voters or at an adjournment thereof, may use the voting lists of the annual election then last past to aid them in forming the said register; but the name of no person shall be placed on such register if objected to by one of the registrars or by a qualified voter of the same city or town, unless he shall be known or proved, to the satisfaction of such registrars, to be at the time a qualified voter in such city or town; nor shall the name of any person be placed or retained on such register without the concurrence of three of the four registrars.

Registrars at first meeting may use the lists of the last annual election, to aid them, etc.

SECTION 24. The registrars of voters shall make and keep a record of all persons entitled to vote at any election, which shall be known as a register of voters. Said register shall contain the name of each voter written in full, or his first christian name, or that name by which he is generally known written in full, with the initial or initials of any other name or names which he may have in addition to his surname, his age and place of birth, the street or place in the town or city where he resided on the first day of May and at the time of registration, the date of said registration, his occupation and place of business or employment, and such other particulars as may be necessary fully to identify him.

Register of voters.

SECTION 25. The assessors of taxes of each city shall, on or before the fifteenth day of July in each year, cause street lists of the several voting precincts in such city to be compiled and printed in pamphlet form for public distribution. Said compilation shall be by precincts separately, not exceeding fifty copies for each, arranged so as to show, under the number of the house, or if there is no number then under such other definite description of the location of the dwelling place as will enable it to be readily ascertained, the names of all persons resident in each dwelling and assessed for poll taxes. The assessors of taxes of every town having over five

Assessors in cities and certain towns to cause street lists of the several precincts to be printed.

thousand inhabitants according to the last state or national census shall, on or before the first day of August in each year, cause street lists of the assessed polls of such town, arranged by voting precincts if the town is divided into voting precincts, to be compiled and printed in pamphlet form for public distribution. Said compilation shall be arranged so as to show, under the number of the house, or if there is no number then under such other definite description of the dwelling place as will enable it to be readily ascertained, the names of all persons resident in each dwelling and assessed for poll taxes. The assessors of such cities and towns shall send such number of copies of the street lists as may be required by the board of registrars of voters to the clerk of said board.

Assessors in towns to cause certified lists of persons assessed for poll taxes to be posted.

SECTION 26. The assessors of taxes in each town shall, on or before the first day of August in each year, cause printed or written lists of all persons assessed therein for the payment of poll taxes to be prepared, and to be conspicuously posted in two or more public places in such town. In a town divided into voting precincts, separate lists for each precinct shall be so prepared and posted in each voting precinct. The names of the persons assessed shall be arranged in alphabetical order, and the lists shall as far as practicable be so made as to show by reference to streets and numbers thereon, or to roads, or by such other definite description as may be possible, the location of the residence of each person so assessed. All such lists shall be duly certified by the assessors.

Registrars to publish, etc., notices concerning registration, etc.

SECTION 27. The registrars of voters shall cause proper notices to be published or posted, and proper opportunity given to all persons, 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 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.

SECTION 28. 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.

Before name is added to list the same to be announced in a clear and audible voice.

SECTION 29. After the lists of qualified voters are printed and posted as now required by law no name shall be added thereto, unless the applicant for registration appears in person before the registrars or assistant registrars and proves his claim to be registered.

Addition of names after list is posted.

SECTION 30. The secretary of the Commonwealth shall furnish to each board of registrars applying therefor, at cost price, suitable blank books for said registration, and said books shall be uniform in character and shall contain eleven blank columns with uniform headings in the following form:—

Blank books for registration to be furnished by the secretary.

When Registered.	NAME.	Age.	Place of Birth.	Residence May 1.	Residence at time of Registration.	Occupation.	Place of Occupation.	When ceased to be a Voter.	Why ceased to be a Voter.	Remarks.

SECTION 31. If the registrars are not satisfied as to the identity or qualifications of any applicant for registration, they may make such examination of such applicant under oath as they may consider necessary or proper to verify the fact that he is possessed of the constitutional requirements of a voter.

Registrars may examine as to identity, etc., of applicant.

SECTION 32. If any person who will become twenty-one years of age before the election next ensuing shall make application to the registrars for registration in order to entitle him to vote at such election, he shall be examined under oath and admitted to registration, provided the registrars shall be satisfied that he will be of age before such election, and that he has the other constitutional qualifications of a voter and is the identical person he professes to be.

Registration of person who will become twenty-one years of age before next election.

Registration in wrong precinct may be rectified.

SECTION 33. If the assessors assess a person in another precinct than that in which he claims to dwell or have his home, such person may, on or before the time fixed by law for the close of registration in any year, file with the registrars of voters a notice of his claim to be registered in some other precinct, specifying the same, and as soon as may be after receipt of said notice said board shall notify said person, fixing a time and place of hearing; and after such hearing they may change the precinct of registry, if need be, in any case; and they shall forthwith, after such change, give notice thereof to the assessors, who shall make the corresponding change in the official record of their department; and the name of no person shall be registered in any other precinct than that in which he was assessed, unless a claim for such registration is filed as provided in this section.

In cities, except Boston, correction of errors in names to be made by the assessors or registrars.

SECTION 34. 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; and every tax bill so changed, together with the certificate, shall be stamped with an official stamp of the board making such change, before the person whose tax bill is so changed shall be allowed to register as a voter. All certificates of names so changed shall be sent to the collector of taxes, who shall, as soon as may be after the first day of January in each year, make corresponding changes or corrections on the list of assessed polls committed to him by the board of assessors. The collector shall also transmit said certificates to the board of assessors, who shall, before the first day of March in each year, make corresponding changes or corrections on the proper books in their department.

Alphabetical lists of voters to be posted.

SECTION 35. The registrars of voters shall, at least twenty days before the annual city and town elections, and at least thirty days before the Tuesday next after the first Monday in November annually, make correct alphabetical lists of all the persons qualified to vote for the



several officers to be elected at those times, which lists in cities shall be by precincts separately; and shall, at least twenty days before the annual city or town elections, and at least thirty days before said Tuesday after the first Monday in November annually, cause such lists in towns to be posted up in two or more public places, and in cities each precinct list in one or more public places in each precinct respectively.

SECTION 36. The registrars of voters of a town which has been divided into precincts shall, as soon thereafter as may be, and not less than thirty days before the day of the next succeeding annual election for officers other than town officers, make for each precinct a list of all the legal voters resident therein, and shall at least thirty days before said election cause each precinct list to be posted up in two or more public places in each precinct, and thereafter said registrars shall make and cause to be posted such precinct lists in two or more public places in each precinct thirty days at least before each annual election for officers other than town officers. The notice and information required by section forty-four of this act shall be given upon such lists. Such lists shall be used in each precinct at all elections held therein.

Precinct lists of voters to be posted in towns divided into precincts.

SECTION 37. The names of women may be placed upon a separate list; and, when the name of any woman has been placed upon the list of voters of a city or town, it shall remain on the list as long as she continues to reside in such city or town, and has paid any state, county, city or town tax that has been assessed on her or her trustee in this state within two years next preceding any election.

Names of women to be placed and retained on a separate list.

SECTION 38. The place of residence of each voter, on the first day of May next preceding the making up of the list of voters, shall be entered thereon opposite the name of the voter; in cities and in towns divided into voting precincts the name of each voter shall be entered upon the list of the precinct in which he was assessed, or, if not assessed, where he was liable to assessment. When a person becomes an inhabitant of a city or a town divided into voting precincts after the first day of May, and before an election at which he is entitled to vote, his name shall be entered on the list of the precinct of which he first becomes an inhabitant.

Place of residence to be entered on list of voters.

Names of male persons over twenty-one years of age deceased, to be furnished to registrars.

SECTION 39. The clerk or registrar of deaths of each city or town shall, on the first day of every month, and also two days before every election, send to the registrars of voters a list which, in cities and in towns which have been divided into precincts, shall be by wards or precincts, of the names of male persons over twenty-one years of age deceased within the preceding month, or since the last time of sending such list, with the precinct, street and number, if any, where such person last resided; and the names of such persons found upon the lists of voters shall be erased therefrom.

Removal from one precinct to another.

SECTION 40. At any election other than the annual state election, a person who has removed from one precinct to another within the same city or town shall vote in the precinct in which he was entitled to vote at the last preceding annual state election.

Proceedings when a person is assessed in a place other than his residence.

SECTION 41. On complaint in writing, under oath, made by a registered voter of a city or town to the registrars of voters thereof, in such city at least seven days and in such town at least four days before an election, that he has reason to believe, and does believe, that a certain person whose name appears on the list of assessed polls of said city or town was not on the first day of May last past a resident at the house wherein he is assessed, and setting forth his reasons for such belief, the said registrars, if satisfied there is probable ground for such complaint, shall, after making a record of the same and giving due notice to the person whose residence is called in question, summoning him to appear before them in the manner provided in section forty-two of this act, examine the charges set forth in said complaint; and, if satisfied that said charges are true, they shall erase the name or change the residence of such person, as the case may require, on the list of assessed polls transmitted to them by the assessors of such city or town, and shall make the corresponding change on the voting list, if the name be found thereon, and shall forthwith transmit a certified copy of their proceedings in such case to the said assessors. And any person so complained of, who shall, after such examination, be proven to be a resident of such city or town, and who shall apply for registration, shall be registered only in the place shown, by the evidence at such hearing, to be his legal residence on the first day of May of the current year.

SECTION 42. Upon a complaint in writing, under oath, made by a registered voter in a city at least seven days, or in a town at least four days before an election, setting forth that he has reason to believe, and does believe, that a certain person is illegally registered, and the reasons therefor, the registrars shall re-examine the matter of the registration of such person, and if there shall appear to be probable ground for such complaint, they shall make a record thereof and shall summon such person to appear before them and examine him under oath in regard to the matter set forth in the complaint; they may hear other and further evidence relative thereto, and, if satisfied that his name is entered upon the list of a precinct other than that in which he ought to be registered, shall transfer his name to the list of the proper precinct and notify the assessors of such change, or, if satisfied that he is not a qualified voter, they shall strike his name from the list. Said summons shall be directed to the person named in said affidavit, and shall require him to appear before said board of registrars at a time and place therein named, which time shall be before the election next ensuing, then and there to show cause why his name should remain upon the register of voters, and a copy of this section shall be printed upon the face of said summons. Service of the summons shall be made by an officer duly qualified to serve civil or criminal process, by delivering to the person named therein a copy thereof attested by the officer who serves it, or by leaving such copy for him at his last and usual place of abode known to the officer, not more than fourteen days nor less than twenty-four hours before the return day thereof; and such officer shall return said summons to said registrars before the return day thereof, with a certificate of service endorsed thereon. If, after service of said summons in the manner aforesaid, a person shall fail to appear as directed therein, without sufficient cause being shown therefor, his name shall be stricken from the register of voters.

Proceedings when a person is illegally registered.

SECTION 43. All applications, certificates or affidavits taken by the registrars of voters under this act and acts in amendment hereof shall be preserved for two years.

Applications, etc., to be preserved for two years.

SECTION 44. The registrars of voters in cities shall be in session until ten o'clock in the afternoon of the

Sessions of registrars of voters in cities.

Sessions of registrars of voters in towns.

Saturday next but one preceding the day of any election, and in towns until ten o'clock in the afternoon of the Wednesday next preceding the day of any election, and for such time previous thereto as they may judge necessary, for the purpose of receiving evidence of the qualifications of persons claiming a right to vote and of correcting the list of voters; and they shall give notice of the time and place of holding the sessions upon the lists of voters posted up as provided by section thirty-five, and shall also state therein the day of the month when registration will cease, and that after the close of registration no name will be entered on the list of voters except as hereinafter provided.

Registration to cease, etc.

SECTION 45. The registration of voters in towns shall cease at ten o'clock in the afternoon of the Wednesday next preceding the day of any election, and in cities at ten o'clock in the afternoon of the Saturday next but one preceding the day of any election; and no name shall be entered on the list of voters of any city or town after the close of registration, unless the qualifications of the person as a voter have been determined by the registrars of voters at some meeting held before the close of registration; such fact to be verified by the certificate of the clerk of the board of registrars.

Number of assessed polls and of registered voters to be certified to the secretary.

SECTION 46. At the close of each registration of voters, the registrars of voters of each city and town shall forthwith certify to the secretary of the Commonwealth the number of assessed polls and the number of registered voters in each voting precinct, or in each town not divided into voting precincts.

Voters affected by change of town, etc., lines.

SECTION 47. The names of all voters who are, by changes in city or town boundaries, authorized by law to vote for members of congress, councillors, senators or representatives in the general court in a city or town other than the one in which they reside, shall be placed together, under a proper heading, at the end of the list of voters of the voting precinct where they reside. The registrars of voters of the city or town in which such voters reside shall return to the secretary of the Commonwealth the number of such voters, the name of the city or town, with the designation of the voting precinct, in which they are authorized to vote, and the officers for whom they are authorized to vote in such other city or town.

SECTION 48. The registrars of voters before entering upon the register the name of a naturalized citizen, shall require him to produce for their inspection his papers of naturalization and to make oath that he is the identical person named therein; they shall be satisfied that he has been legally naturalized, shall make a record or memorandum upon said papers of the date of such inspection and shall enter upon the said register the name and location of the court by which said papers were issued, with the date thereof. They need not require the production of such papers after they have once examined and passed upon them.

Registration of a naturalized citizen.

SECTION 49. Registrars of voters shall not register voters in secret session, but publicly, and shall afford to a reasonable number of persons of the various political parties opportunity to witness such registration; and the register of voters and the record of the clerk of the board of registrars shall at all reasonable times be open to public inspection, without charge, at the office of the authorities with whom they are deposited.

Voters to be registered in public; record open to inspection.

SECTION 50. The board of registrars shall possess full authority to maintain regularity and order and to enforce obedience to their lawful commands in proceedings before them, and shall have full authority to preserve peace and good order at and around the place where their sessions are held, and to keep the access thereto open and unobstructed, and may call upon constables, police officers and other persons, if necessary, to communicate their orders and directions and to assist in the performance of the duties in this section enjoined.

Authority of board to preserve order, etc.

SECTION 51. If any person shall refuse to obey the lawful command of the registrars, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they may make an order directing any constable or police officer to take the person so offending into custody and detain him until the close of the session then being held; but such order shall not prohibit the person so taken into custody from registering as a voter.

Person disobeying a lawful command, may be taken into custody.

SECTION 52. It shall be the duty of the selectmen of a town and of the chief executive officer of the police force of a city, when requested so to do by the registrars of voters, to detail a sufficient number of police officers, who shall be stationed at the place of meeting

Police officers at place of meeting of registrars.

of said registrars, and under their direction shall preserve order and protect each and all of said registrars from any interference with or obstruction in the performance of their respective duties.

Names on the list of voters to correspond to those in the register.

SECTION 53. No name shall be added to the list of voters until it has been recorded in the register of voters, and all names stricken from the register of voters shall be stricken also from the list of voters; no name shall be added to a list of voters in use at any election after the opening of the polls, except to correct a clerical error or omission; and all names on lists of voters shall be written in full, or as provided in section twenty-four.

Correction of omission through error or mistake.

SECTION 54. If a qualified voter of any city or town whose name was on the list of voters of such city or town for the preceding year, who has been assessed for a poll tax for the current year, and who has paid a state or county tax assessed upon him for the preceding or current year, finds after the close of registration that his name is not placed on the list of voters for the current year by reason of the same being omitted by clerical error or mistake from the list of polls as assessed and transmitted by the board of assessors to the board charged with the preparation of the list of voters, the board of assessors shall, upon the personal application of such voter, correct such omission or mistake and give to him a certificate of such correction, to be presented by him in person to the board charged with the preparation of the list of voters, who shall, on the receipt thereof, place the name of such voter on the list of voters of the precinct or town in which he was entitled to be registered; or if application is made on the day of election the said board last mentioned shall give to such voter a certificate, on presentation of which to the election officers of his precinct or town he shall be allowed to vote therein; and such certificate shall be returned and preserved in like manner as the ballots cast in such precinct or town.

Name erroneously erased may be restored.

SECTION 55. If the name of a qualified voter shall be erroneously erased from the published list of voters or omitted therefrom by clerical error, he may apply to the registrars of voters at any time before the closing of the polls for its restoration; and if he shall prove that his claim be valid his name shall be restored to the list of voters, and he shall be given a certificate thereof

if such restoration is made on the day of election, on presentation of which to the officers of the precinct or town in which he was entitled to be registered he shall be allowed to vote therein; and the certificate shall be returned and preserved in like manner with the ballots cast in said precinct or town.

SECTION 56. At any election held in a city between the day of the municipal election and the day of the annual state election next succeeding, the list of voters prepared for such municipal election shall be used, subject to the changes and erasures provided for by law.

List at elections in a city between the municipal and the state elections.

SECTION 57. If the registrars have duly entered on the list of voters the names of all persons upon the register of voters, they shall not be answerable for any omissions from said list of voters. Assessors and collectors shall when requested furnish any information in their possession necessary to aid said boards of registrars in the discharge of their respective duties.

Registrars not answerable for omissions, if, etc.

SECTION 58. Wherever under this title examinations are authorized or required to be made under oath, or an oath is authorized or required to be made, such oath may be administered by a registrar or by an assistant registrar.

Administration of oaths.

SECTION 59. Towns having less than three hundred registered voters shall be exempt from the requirements of section eighteen of this act, and in such towns the selectmen and town clerk shall constitute a board of registrars of voters, and shall perform all the duties and be subject to all the liabilities imposed by this act and acts in amendment hereof upon registrars of voters. But whenever, in any town now exempted by this section, the register of voters shall be found to contain as many as three hundred names said section eighteen shall apply, and in the month of March or of April next thereafter a board of registrars shall be appointed.

Towns of less than three hundred registered voters to be exempt from requirements of section 18.

SECTION 60. On the petition of not less than ten qualified voters in any city or town, the governor, by and with the advice and consent of the council, shall appoint two supervisors, able and discreet men, one from each of the two leading political parties, to serve for the term of one year, who shall be authorized to attend all sessions of the board of registrars in said city or town, or in the city of Boston all sessions of such assist-

Supervisors of elections.

ant registrars as may be named or described in such petition, and who shall have the right to affix their signatures to the register of voters and lists of voters for purposes of identification, and to attach thereto any statement touching the truth or fairness thereof which they or either of them may ask to attach; and any one who shall prevent any person so appointed from doing any of the acts authorized as aforesaid, or who shall hinder or molest any such person in doing any of said acts, or shall aid or abet in preventing, hindering or molesting any such person in respect of any such acts, shall be punished by imprisonment in jail for not more than one year.

Penalties on registrars.

SECTION 61. Any registrar of voters who shall refuse or wilfully neglect to require an applicant for registration to read and write, as directed by the constitution and section twenty-seven of this act, and shall then place or knowingly suffer to be placed or remain upon the register of voters the name of such applicant, shall be punished by a fine of not more than five hundred dollars or by imprisonment in jail for not more than one year for each offence; and any registrar who knowingly and wilfully prevents, or seeks to prevent, the registration of any legal voter, or knowingly and wilfully registers the name of any person not qualified to vote, or who shall wilfully violate any of the provisions of this act, or be guilty of any other fraud or corrupt conduct in the execution of the duties of his office, shall be punished by a fine of not more than three hundred dollars for each offence; and any other city or town officer who wilfully neglects or refuses to perform any duty required of him by this act and acts in amendment hereof, shall, except as provided in section ten, forfeit for each offence a sum not exceeding two hundred dollars.

Penalty for making false representation, etc., to registrar.

SECTION 62. Any person who shall cause his name to be registered as a voter in more than one town or precinct, or who shall cause his name to be registered, knowing that he is not a qualified voter in the city, town or precinct where said registry is made, or who shall falsely personate or attempt to so personate any person for the purpose of passing the reading or writing test, or for any other purpose before a registrar of voters, and any person who shall give a false name or false



answer to a registrar concerning any matter relating to the registration of voters, or to the right of any person to vote, and any person causing any such act or aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offence by a fine of not more than three hundred dollars and by imprisonment in jail for not more than one year.

SECTION 63. Whoever shall knowingly or wilfully make a false affidavit under this title, regarding the qualifications of any voter, shall be deemed guilty of perjury. Making false affidavit to be deemed perjury.

SECTION 64. Whoever wilfully injures or defaces any list of voters posted in any city or town of this Commonwealth shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding six months. Penalty for defacing posted list.

SECTION 65. The provisions of this title shall not be deemed to repeal the special laws relating to assessment and registration in the city of Boston; but sections fourteen, fifteen and seventeen of this act shall apply to the city of Boston the same as to the other cities of the Commonwealth. Provisions of law applicable to Boston.

## TITLE II.

### THE CONDUCT OF ELECTIONS AND RETURNS THEREOF.

SECTION 66. Meetings for the election of state and city officers may be opened as early as seven o'clock in the forenoon; and in no case shall the polls be kept open after the hour of sunset. Such officers shall be voted for on one ballot, and notice thereof shall be given in the warrant calling the meeting. Meetings for election of state and city officers.

SECTION 67. In cities such meetings shall be opened as early as ten o'clock in the forenoon of the election day, and shall be called according to the provisions of the city charters and the acts in addition thereto, and warrants for notifying such meetings shall specify the time when the polls for the choice of the several officers will be opened and when they will be closed, and the polls shall be kept open at least six hours. Meetings in cities to be opened as early as ten A.M., and polls to be open at least six hours.

SECTION 68. In towns meetings for the election of state officers shall be opened as early as twelve o'clock, noon, of the election day. The polls shall be kept open at least four hours and for such longer time as the majority of the voters present shall by vote direct; and Meetings in towns to be opened as early as noon, and polls to be open at least four hours.

after an announcement by the presiding officer of a time so fixed, such time shall not be changed to an earlier hour. Such meetings shall be called by the selectmen in the manner ordered by the town, and the warrants for notifying such meetings shall specify the time when the polls for the choice of the several officers will be opened and when they may be closed; and the polls shall not be closed until the hour named in the warrant has arrived.

Cities to be divided into voting precincts.

SECTION 69. The several cities of this state shall be divided by the mayor and aldermen of said cities, respectively, into convenient voting precincts for the holding of all meetings for the choice of all officers who are elective by the people. Every ward in a city containing not more than five hundred voters shall be a voting precinct; every ward in a city containing more than five hundred voters and not more than eight hundred voters may, on or before the first Monday of July in any year, be divided by the mayor and aldermen of such city, if they shall deem it expedient, into two precincts, to contain as nearly as may be an equal number of voters, and such ward if not so divided shall be a voting precinct; and every ward of a city containing more than eight hundred voters, on or before the first Monday of July in any year, shall be divided by the mayor and aldermen of such city into two or more voting precincts, consisting of compact and contiguous territory, in such manner that each precinct shall be entire within one ward, and shall contain as nearly as may be an equal number of voters. The boundaries of such precincts shall as far as possible be the centre lines of known streets or ways, and no precinct shall contain more than eight hundred voters. The registration of voters in the preceding year shall be taken as the basis of the division in the year in which such division is made. After the division of any city into new wards as now provided by law, said wards shall be divided into voting precincts according to the provisions of this section. Said precincts shall be designated by numbers or by letters of the alphabet.

When ward of a city is divided into two or more precincts, map of the same to be posted, etc.

SECTION 70. Whenever a ward of a city is divided into two or more precincts, the mayor and aldermen shall immediately cause the same to be published by making a map or description of such division, defining it by known boundaries and posting such map or description in at least ten of the most public places in each

precinct of such ward; and the mayor and aldermen shall also cause a reasonable number of copies of such map or description to be furnished to the registrars of voters, the assessors of taxes and the election officers in each precinct of said city.

SECTION 71. Whenever a change is made in the wards or voting precincts of a city, the city clerk thereof shall immediately thereafter make a return to the secretary of the Commonwealth, stating the number of wards, and giving the designation of each and every voting precinct in said city.

Secretary to be notified of changes in voting precincts.

SECTION 72. The selectmen of every town which shall accept the provisions of this section shall, within sixty days thereafter, divide said town into convenient voting precincts for the holding of all meetings for the choice of officers elective by the people, except town officers. They shall define said precincts by natural or artificial monuments and boundaries, and number the same either by letters or figures, and shall make report of their doings, including therein such monuments and boundaries, the numbers of such precincts and the number of legal voters in each precinct, to the next town meeting. Such report may be modified or amended at the meeting duly called to act thereon, and when accepted, either in its original or amended form by a majority of the legal voters then present and voting thereon, shall become operative; and thereafter all meetings for the election of state officers shall be held in the precincts established by said town; but any such election in a town held after such division has been made, before precinct lists of voters have been made and posted in the manner and for the number of days required by law, shall be held in the manner in which elections had theretofore been held in such town. Such report shall not be acted upon at any meeting unless the same is filed in the office of the town clerk seven days at least before said meeting. Such precincts may be changed at any meeting duly called for the purpose, if the selectmen shall have filed in the office of the town clerk seven days at least before said meeting a report of the contemplated changes, giving monuments, boundaries and numbers of the contemplated precincts and the number of voters in each as determined by the last preceding registration of the voters as corrected; but no changes

Towns accepting this section to be divided into precincts.

Precincts may be changed.

Secretary to be notified.

other than those proposed in such report shall be made at such meeting. Within ten days after the division of any town into precincts, or of any change in the number of such precincts, the town clerk shall give notice thereof in writing to the secretary of the Commonwealth, stating therein the number of precincts then existing in said town.

Town may discontinue voting precincts, and in a subsequent year may re-establish, etc.

SECTION 73. Any town which has been divided into voting precincts may, at a meeting duly called for the purpose, by vote discontinue all such precincts; and thereafter the provisions of law applicable to such precincts shall cease to apply to said town, and all subsequent elections therein shall be held as if no such division had been made. Notice in writing of the discontinuance of the voting precincts in a town, in accordance with this section shall, within ten days thereafter, be given by the town clerk thereof to the secretary of the Commonwealth. A town which has discontinued all the voting precincts may however in a subsequent year accept the provisions of the preceding section, and cause a division into voting precincts to be made thereunder.

Polling place to be designated for each precinct, in a convenient place.

SECTION 74. The board of aldermen of each city and the selectmen of each town divided into voting precincts, respectively, shall ten days at least before the day of any special election and thirty days at least before the day of any other election held in such city or town, designate and appoint the polling place for each of the voting precincts in such city or town and procure the same for such purpose, and cause it to be suitably fitted up and prepared therefor; and they shall thereupon cause to be posted in such city in at least ten and in such town in at least three public places in each precinct a printed description of the place so designated, and shall give such other public notice thereof as they may think necessary or proper. Such polling place shall be in the most public, orderly and convenient portion of the precinct: *provided*, that when no convenient polling place can be had within the territorial limits of any precinct, the mayor and aldermen, or selectmen, as the case may be, are authorized to designate and appoint one in some convenient place within the limits of any of the adjoining precincts of such city or town; and for such purposes the place so designated

Proviso.

and appointed for the polling place of such precinct shall be deemed and taken to be included in and part of said precinct, as though the same was within the territorial limits thereof. No building or part of a building shall be designated, appointed or used as a polling place, in which, or in any part of which, intoxicating liquor is sold, or has been sold within thirty days next preceding the day of election.

SECTION 75. The mayor of each city at some time between the first and the twentieth day of September in each year shall, with the approval of the board of aldermen, appoint as election officers for each voting precinct one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall include the inspectors and deputy inspectors provided for in section twenty of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine; such officers shall be qualified voters in the ward of which such precinct forms a part, men of good repute and standing, who shall equally represent each of the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment: *provided, however,* that not more than two of such election officers may be appointed from qualified voters not representing either of such two political parties, but without disturbing the equal representation of such two parties. The warden and two of the inspectors shall be of a different political party from the clerk and the other two inspectors, and each deputy shall be of the same political party as his principal. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for one year from the first day of November in the year in which he is appointed, and until a successor is appointed and qualified or he is removed. Any one of said officers may be removed at any time by the mayor, with the approval of the board of aldermen, upon written charges of incompetency or official misconduct preferred either by the city clerk or by not less than six qualified voters of the ward in which the officer is appointed to act. In case of any vacancy occurring before the first day of November in any year, or in case either of said officers shall decline to act and shall give notice thereof to the city clerk on or before said first day

Election officers  
in cities to be  
appointed for  
each precinct.

Proviso.

Vacancies.

of November, the mayor, with the approval of the board of aldermen, shall appoint some person qualified as aforesaid to fill said office; and in making such appointment he shall preserve in the precinct offices the just and equal representation of the two leading political parties. Every person so appointed shall be sworn to the faithful performance of his duties. Every nomination made by the mayor under this section shall be acted on by the board of aldermen not less than three nor more than ten days after it shall have been made. In case of a vacancy in the office of warden, clerk or inspector of a precinct on the day of any election, the person appointed as deputy of said warden, clerk or inspector shall act in his place, and shall have the same powers and be subject to the same duties and liabilities as the officer for whom he acts. No deputy precinct officer shall have power to act in any official capacity, or while the polls are open or during the counting of the votes shall be admitted to the space reserved for the precinct officers, except while filling a vacancy as aforesaid; and he shall receive no compensation except for attendance at the opening of the polls or for services while acting for the officer whose place he fills. In case the warden and deputy warden, or the clerk and deputy clerk, or one of the inspectors and his deputy, are absent at the time designated for the opening of the polls or during the day of any election, a suitable person shall be elected by the voters of said precinct by nomination and hand vote, with full power to act for the time being in place of the absent officer; and before entering upon the performance of his duties he shall be sworn by the warden or clerk, or, in the absence of both of said officers, by a justice of the peace, to the faithful performance thereof.

Officers to be sworn.

Vacancies.

If warden, etc., is absent, vacancy to be filled pro tempore by election.

Election officers in certain towns to be appointed for each precinct.

SECTION 76. The selectmen of each town divided into voting precincts, at some time between the first and fifteenth day of October in each year, shall appoint as election officers for each precinct, two wardens, one clerk, and two inspectors and two deputy inspectors as provided in section twenty of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine, qualified voters in such precincts, and men of good repute and standing. Said wardens, inspectors and deputy inspectors shall equally represent each of the two political parties which cast the largest number

of votes in the Commonwealth at the annual election for officers other than town officers next preceding their appointment. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for one year from the first day of November in the year in which he is appointed, and until a successor is appointed and qualified or he is removed. Any one of said officers may be removed at any time by the selectmen upon written charges of incompetency or official misconduct preferred either by the town clerk or by not less than six qualified voters of the precinct in which the officer is appointed to act. In case of any vacancy occurring before the first day of November in any year, or in case either of said officers shall decline to act and shall give notice thereof to the town clerk on or before said first day of November, the selectmen shall appoint some person qualified as aforesaid to fill said office; and in making such appointment to fill a vacancy in the offices of warden, inspector or deputy inspector they shall preserve the just and equal representation of the two leading political parties in such precinct offices. Every person so appointed shall be sworn to the faithful performance of his duties. If an inspector is absent on the day of an election, the person appointed as deputy of said inspector shall act in his place, and shall have the same powers and be subject to the same duties and liabilities as the inspector for whom he acts. No deputy inspector shall have power to act as inspector, or while the polls are open or during the counting of the votes be admitted to the space reserved for the precinct officers, except in the absence of the inspector as aforesaid; and he shall receive no compensation except for attendance at the opening of the polls or for services while acting for the inspector whose place he fills. In case one or both of the wardens, or the precinct clerk, or one of the inspectors and his deputy, are absent at the time designated for the opening of the polls or during the day of an election, a suitable person or persons, as the case may be, shall be elected by the voters of said precinct by nomination and hand vote, with full power to act in place of the absent officer or officers during his or their absence; and before entering upon the performance of the duties of the office he or they shall be sworn by a warden or the precinct clerk, or a justice of the peace to the faithful performance thereof.

Officers to be sworn.

Vacancies.

If warden, etc., is absent, vacancy to be filled pro tempore by election.

Inspectors in towns not divided into precincts.

SECTION 77. In towns not divided into voting precincts, two inspectors and two deputy inspectors shall be appointed as provided in section twenty of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine; and the provisions of law applicable to such officers in towns so divided shall apply to the officers herein provided for, except that the selectmen shall make appointments to fill any vacancy occurring on the day of an election.

Powers and duties of election officers.

SECTION 78. The election officers shall attend at the times and places designated for meetings in their respective precincts or towns, for the election of state or city officers, or for the determination of any question submitted by lawful authority to the qualified voters of the state or of a city, as the case may be, and shall have the same powers and, except as otherwise provided, be subject to the same duties and liabilities as the wardens, clerks and inspector now holding office under existing laws, and shall receive such reasonable compensation for each day's actual service as the city councils or the towns, respectively, may from time to time determine. No person shall be eligible to the position of election officer or teller in any precinct or town where he is a candidate to be voted for; and whenever any person appointed as aforesaid becomes such candidate he shall be removed by the mayor or selectmen, as the case may be, before the first day of November in the year in which he becomes such candidate.

Compensation.

Selectmen to preside at election of state officers.

SECTION 79. At town meetings for the election of state officers the selectmen shall preside and shall have all the powers which are vested in moderators.

Tellers may be appointed.

SECTION 80. Selectmen, when required to preside at town meetings, and wardens in towns, may appoint tellers to aid them in checking the names of voters, or in assorting and counting votes; and selectmen shall appoint such tellers upon petition of ten legal voters. Such tellers shall be sworn to the faithful discharge of their duties. Such tellers shall be appointed in equal numbers from the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment. Every such teller shall be subject to the same penalties to which the officer so appointing him is subject, in the performance of the duties in which such teller assists.



SECTION 81. The ballots furnished by the secretary of the Commonwealth and by the several city clerks, as provided by law, shall be of plain white paper, in weight not less than that of ordinary printing paper, and each page shall be not more than five nor less than four and a half inches in width, and not more than thirteen and a half nor less than six inches in length. The names of candidates shall be printed with black ink at right angles with the length of the ballot, in capital letters not less than one-eighth nor more than one-quarter of an inch in height. The ballots for use in towns in taking the vote on the question of granting licenses for the sale of intoxicating liquor shall contain the words:— Shall licenses be granted for the sale of intoxicating liquors in this town? Yes. (or) No., and no others.

Ballots furnished by secretary of the Commonwealth and city clerks.

SECTION 82. Whoever offends against any provision of the preceding section shall be punished by fine not exceeding one hundred dollars or by imprisonment in jail not exceeding one year.

Penalties.

SECTION 83. The secretary of the Commonwealth shall send to the town clerk of each town, seven days at least previous to the taking therein of the vote upon the question of granting licenses for the sale of intoxicating liquors, ballots both affirmative and negative, in number equal at least to the number of registered voters in such town. Such ballots shall be distributed to the voters at the polling place under the direction of the town clerk.

Ballots to be used in towns for voting upon question of granting liquor licenses.

SECTION 84. The secretary of the Commonwealth shall provide every city and town with a ballot-box for use at each polling precinct or place of meeting for the election of state or city officers, which shall also be used in taking the vote upon any proposed amendment to the constitution or other question submitted to all the voters of the Commonwealth, or of any city, and in taking the vote in towns upon the question of granting licenses for the sale of intoxicating liquor. Said boxes shall be approved by the secretary, treasurer and auditor of the Commonwealth, or by a majority of them; shall have sufficient and secure locks and keys, or seal fastenings, and shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any number or mark upon any ballot by which said ballots can be distinguished from each other. Said ballot-boxes shall be purchased by the

Ballot-box to be provided for each polling precinct, etc.

Ballots to be deposited in such boxes.

secretary, at a price not exceeding fifty dollars each, and shall be paid for out of the treasury of the Commonwealth. All ballots cast at any such election, or in taking any such vote, shall be deposited in such boxes, and no ballots shall be counted in ascertaining the result of such election or vote unless so deposited and cancelled, or deposited as hereinafter provided.

If unable to use box provided, the balloting to proceed as presiding officers shall direct.

SECTION 85. If for any cause it shall become impossible at any election, or in taking such vote, to make use of the ballot-box furnished by the secretary of the Commonwealth as herein provided, the balloting shall proceed as the presiding officers at the meeting shall direct: the clerk shall make a record of the facts pertaining thereto and return an attested copy of his record thereof enclosed in the envelope provided according to law for the return of the ballots cast at such election or in taking such vote.

Laws against fraudulent voting to apply, etc.

SECTION 86. All existing provisions of law to prevent fraudulent voting, and the penalties therefor, shall apply to the taking of the vote upon proposed amendments to the constitution, upon questions submitted to all the voters of the Commonwealth or of any city, and upon the license question.

Ballot-boxes to be kept safely and in good repair.

SECTION 87. City and town clerks shall, at the expense of their cities and towns, provide therein places for the safe and suitable keeping of the ballot-boxes furnished by the Commonwealth; shall have the care and custody thereof; shall see that they are kept in good order and repair; and if any of them are lost, destroyed or irreparably damaged, shall, at the expense of said city or town, replace the same by similar ballot-boxes, approved as in section eighty-four of this act.

Penalty for injury to ballot-box.

SECTION 88. Whoever wilfully or maliciously destroys or injures a ballot-box, or the mechanism thereof, shall be punished by imprisonment not exceeding one year and by a fine not exceeding five hundred dollars.

Ballot-boxes to be furnished to election officers before opening of the polls.

SECTION 89. City and town clerks shall send to the election officers of each precinct or town before the opening of the polls on the day of any state or city election, or meeting at which such ballot-box is required by law to be used, the ballot-box furnished by the secretary of the Commonwealth, with such ballot-box seals and other ballot-boxes as may be approved by the

board of aldermen or selectmen, as the case may be. At the opening of the polls in each precinct or town, and before any ballots are received, the ballot-box shall be publicly opened and shown to be empty, and the election officers shall, by personal examination, ascertain that the same is empty, after which the box shall immediately be locked or fastened, a record of the condition of the box register made by the clerk, and the key taken, if one be used, and retained by the constable or police officer in attendance at said precinct. The ballot-box shall not be removed from the public view, after it is so shown to be empty, until all ballots have been removed therefrom and the box has been re-locked or sealed. No ballot shall be removed from the ballot-box in any precinct or town while the polls are open, and the box shall not be opened except that, in order to make room for the deposit of all ballots, the warden may, in the presence of all the election officers, open the box and pack and press down the ballots therein. In towns not divided into voting precincts and having more than six hundred voters the ballot-box may be opened and ballots taken therefrom and counted whenever in the unanimous judgment of the selectmen and town clerk it is necessary or advisable so to do. The wardens of each precinct shall have charge of the ballot-boxes and ballot-box seals, and shall, at the close of each election, return the same, either personally or by the hand of the police officer or constable in attendance at the precinct, to the city or town clerk. The clerk of each city and of each town divided into voting precincts, respectively, shall furnish to the clerks of the several precincts a seal of suitable device, the design for which shall include the number or designation of the precinct for which it is furnished, and said seal shall be used in sealing the envelopes as required by law at any election. The precinct clerk shall retain the custody of the precinct seal, and he shall, at the end of the term for which he was appointed or whenever he ceases to hold said office, deliver the same, together with the records of the precinct and other documents, to the city or town clerk.

SECTION 90. The presiding officers at meetings held for the election of town or other officers, or for taking the vote upon proposed amendments to the constitution, upon questions submitted to all the voters of the Common-

Ballot-box to be examined at the opening of the polls, etc.

Ballots may be taken from boxes and counted, in towns of more than 600 voters and not divided into precincts.

Wardens to have charge of ballot boxes and seals.

Check-lists to be furnished at elections and when voting upon questions submitted to the people.

wealth or of any city, and upon the license question, shall be provided with a complete list of the persons qualified to vote at such meeting; and no person shall vote at an election, or in taking any such vote, whose name has not been previously placed on such list, nor until the presiding officers find and check his name thereon, unless such person present a certificate from the registrars of voters as provided by law.

Person wishing to vote to give his name, etc., to be announced and repeated in a loud voice.

SECTION 91. Whenever any person offers to vote he shall give his name, and if requested so to do, his residence, to the warden or presiding election officer, 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 election officer having charge thereof, he shall, in a loud and distinct tone of voice, clear and audible, repeat said name, and the voter may then deposit his ballot in the box, with the official endorsement uppermost and in sight, and his name shall be immediately checked on said list. The officers in charge of the box and the list respectively shall be of different political parties.

Duties of selectmen, etc., when vote is challenged.

SECTION 92. When in any state or city election the right of any person offering to vote is challenged for any cause recognized by law, the selectmen, warden or presiding officer shall require the name and residence of the person so offering to vote to be written upon the ballot so offered and challenged, either by himself or by some one in his behalf, and the selectmen, warden or presiding officer shall add thereto the name of the person challenging the same and the cause assigned therefor, before such ballot shall be received: *provided*, that nothing contained in this section shall be so construed as to permit election officers to receive any vote which by law they are required to refuse.

Penalties.

SECTION 93. Whoever wilfully or negligently violates any of the provisions of the preceding section shall be punished by fine of not less than twenty nor more than two hundred dollars or by imprisonment in the jail not exceeding one year.

Regulations may be made in regard to seals and boxes.

SECTION 94. The board of aldermen of any city may pass such regulations in regard to the use of the seals and ballot-boxes and the manner of receiving, counting and returning the votes as they may deem expedient, provided such regulations are not incon-

sistent with the provisions of law; and if any person wilfully neglects or refuses to comply with any of such regulations, he shall be punished by fine not exceeding one hundred dollars or by imprisonment in the house of correction not exceeding six months.

SECTION 95. The votes cast at state and city elections shall be received, sorted and counted by the selectmen and town clerk or by the election officers, as the case may be, with the assistance of the tellers, if any, and public declaration made thereof in open town, ward or precinct meetings. As soon as the polls are closed the selectmen and town clerk or election officers, with the assistance of the tellers, if any, shall proceed to canvass the votes: such canvass shall be public, and shall not be adjourned nor postponed until it shall have been fully completed. As soon as the polls are closed, a record shall be made by the clerk of the condition of the ballot-box register: the officers in charge of the check-lists shall, in the presence of the other officers and the public, count in a distinct and audible voice the names checked on said lists and announce the whole number thereof; the ballot-box, without being removed from the public view, shall then be opened by the wardens or presiding officers, the ballots shall be taken therefrom and audibly counted one by one, and when the count is completed the whole number of ballots cast shall be announced, and the counting of the number of votes received by each person voted for shall then proceed. In towns not divided into voting precincts and having more than six hundred voters the counting of the check-lists may be made after the counting of the ballots. All ballots, after being removed from the box, shall be kept within the unobstructed view of the voters present at the place of meeting until they are placed in the envelope as required by law. The total number of ballots cast, the names of persons voted for, the number of votes received for each person, and the title of the office for which he is proposed, together with the number of blank ballots for each office, shall be entered in words at length by the town, ward or precinct clerks in their respective records. The precinct clerks shall forthwith deliver certified copies of such records to the city or town clerks, who shall forthwith enter the same in the city or town records.

Votes at state and city elections, to be received, etc., and public declaration made in open town, etc., meeting.

Ballots to be kept within view.

Person having the highest number of votes to be declared to be elected.

SECTION 96. In all elections of civil officers by the people, the person or persons having the highest number of votes shall be deemed and declared to be elected; but no persons receiving the same number of votes shall be deemed to be elected, if thereby a greater number would be elected than required by law.

Presiding officer in open meeting to cause ballots to be secured in envelope, sealed and endorsed.

SECTION 97. Moderators of meetings held for the election of town clerk, selectmen, assessors, treasurer, collector of taxes or school committee, at which all of said officers are voted for upon one ballot, and selectmen and wardens who preside at elections for state or city officers, shall cause the ballots cast for such officers, after the same have been sorted, counted, declared and recorded, to be secured in an envelope in open town, ward or precinct meeting, as the case may be, and sealed with a seal provided for the purpose, and with the private seal of any election officer who may desire to affix the same: and a majority of the election officers in each town or precinct shall endorse upon the envelope for what officers and in what polling place the ballots were cast, the date of the election, and a certificate that all the ballots cast by the voters of said town or precinct, as the case may be, for such officers and none other, are contained in said envelope. The moderator, selectmen and wardens shall forthwith personally deliver, or transmit by the constable or police officer in attendance at such elections, the ballots, sealed as aforesaid, to the city or town clerk.

Check-lists used at elections to be enclosed in envelope, sealed and endorsed.

SECTION 98. In every state or city election the selectmen, wardens or presiding officer of each town, ward or precinct shall cause the check-lists used at such election to be enclosed and sealed in an envelope and transmitted in the same manner as the ballots cast at such elections are required to be secured and transmitted: *provided, however*, that in towns not divided into voting precincts the check-lists shall be retained by the selectmen until they are transmitted to the registrars of voters, as hereinafter provided. The selectmen and election officers, respectively, shall certify on such envelope to the identity of the check-lists so enclosed. The city clerk may furnish a copy of a check-list after it has been used in any precinct, upon the application of not less than ten legal voters resident within the ward of which the precinct forms a part. The selectmen of a

Copy of check-list may be furnished.

town not divided into voting precincts may furnish a copy of a check-list after it has been used in any election, upon the application of not less than ten legal voters resident in the town. The town clerk of a town divided into voting precincts may furnish a copy of a check-list after it has been used in any precinct, upon the application of not less than ten legal voters resident therein. Immediately upon such copy being furnished the check-list shall be again sealed up, with a new certificate attached, by which the identity and original condition shall be certified by a majority of the selectmen, or by the city or town clerk, as the case may be.

Copy of check-list may be furnished.

SECTION 99. Whoever wilfully or negligently violates any provision of the two preceding sections shall be punished by fine not exceeding two hundred dollars or by imprisonment in the jail not exceeding one year.

Penalties.

SECTION 100. Selectmen and town and city clerks shall preserve in their custody the check-lists used at any election for the same length of time as is required by law for the preservation of ballots. And as soon as may be thereafter they shall transmit said lists to the clerk of the board of registrars of voters of their respective towns and cities, and said board shall preserve them for future reference in such manner as they may deem best.

Preservation of check-lists.

SECTION 101. City and town clerks shall receive the envelopes containing the ballots thrown at any election, sealed as hereinbefore provided, and shall retain them in their care until the requirements of law have been complied with; and as soon as may be thereafter, said clerks shall cause such ballots to be destroyed without examining them, or permitting them to be examined by any person whatsoever, and shall make an entry in the records of the city or town that they have been so destroyed; and any such clerk who examines such ballots, or permits them to be examined, shall be punished by fine not exceeding two hundred dollars.

City and town clerks to retain ballots until requirements of law have been complied with.

SECTION 102. The mayor and aldermen and the clerk of each city shall forthwith after an election examine the returns made by the election officers of each ward or precinct in such city, and if any error appears therein they shall forthwith notify said election officers thereof, who shall forthwith make a new and additional return, under oath, in conformity to truth, which additional return, whether made upon notice or by such

Examination of returns in cities.

officers without notice, shall be received by the mayor and aldermen or city clerk at any time before the expiration of the day preceding that on which by law they are required to make their returns or to declare the results of the election in said city; and all original and additional returns so made shall be examined by the mayor and aldermen, and made part of their returns of the results of such election. In counting the votes in an election, no returns shall be rejected when the votes given for each candidate can be ascertained.

Upon notice of a contested election, clerk to retain envelope containing ballots.

SECTION 103. If within thirty days next following the day of an election, a person who received votes for any office at said election serves by himself, his agent or attorney, upon the clerk of any city or town, a statement in writing claiming an election to such office, or declaring an intention to contest the election of any other person who has received, or who may receive, a certificate of election for the same, such clerk shall retain the envelope containing the ballots thrown at such election, sealed as provided by law, subject to the order of the body to which either of said persons may claim or be held to have been elected, or of the board required by law finally to examine the returns and issue certificates of election, or until such claim is withdrawn or such election is decided by the authority competent to finally determine the same. In all such cases said body or board may order the clerk of such city or town to appear before them and bring with him the envelopes containing the ballots cast at said election. Said clerk shall appear according to said order, and said body or board may open said envelopes, recount the ballots therein and amend the returns relating thereto in accordance with the result of such recount.

Statement to be sent to aldermen when election returns are believed to be erroneous.

SECTION 104. If within six days next following the day of any election for state or city officers, ten or more qualified voters of any ward of a city or of a town not divided into voting precincts, or of any voting precinct in a town having more than one such precinct, file with the city or town clerk a statement in writing that they have reason to believe that the returns of the selectmen, or of the election officers of certain precincts in said ward or town, are erroneous, specifying wherein they deem them in error, said clerk shall forthwith transmit such statement to the selectmen, board of aldermen or the com-



mittee thereof appointed to examine the returns of said election. Such selectmen, board of aldermen or their committee shall thereupon, and within eight days next following the day of election, open the envelope or envelopes and examine the ballots thrown in said town or precinct, as the case may be, and determine the questions raised: *provided, however*, that when an election is held to fill a vacancy in the senate or house of representatives, the statement of errors shall be filed within two days and the recount of ballots shall be made within three days following the day of said election. They shall then again seal the envelope or envelopes with the seal of the city or town or a seal provided for that purpose, and endorse upon the envelope or envelopes a certificate that the same has been opened and again sealed by them in conformity to law; and the envelope or envelopes sealed as aforesaid shall be returned to the city or town clerk, who, upon the certificate of the selectmen, board of aldermen, or of their committee, shall alter and amend such of the town or precinct returns as have been proved to be erroneous; and such amended returns shall stand as the true returns of the town or precinct. The city or town clerk shall amend the city or town records in accordance with such amended returns, and copies of such records of votes cast at any state election shall be made and returned as herein provided for original returns. Selectmen may appoint tellers in the manner hereinbefore provided to assist them in recounting ballots under the provisions of this section.

Ballots to be examined and questions raised to be determined.

Proviso.

SECTION 105. If within fourteen days after the day of the municipal election in any city, ten or more qualified voters in said city shall file with the city clerk a statement in writing that they have reason to believe that the returns of ballots cast under the provisions of section five of chapter one hundred of the Public Statutes are erroneous, said clerk shall forthwith transmit said statement to the board of aldermen of said city, and said board shall within ten days thereafter recount said ballots, and declare the result, and their record of said recount shall stand as the true result of the vote cast in said city under said section.

Recount of ballots after municipal elections in cities.

SECTION 106. In all cases whenever a recount of ballots cast at any election is claimed, the officers, board or committee charged with the duty of recounting such

Notice to be given to the contesting candidates.

ballots shall, before proceeding to recount such ballots, give notice in writing to the several contesting candidates interested in and liable to be affected by such recount, of the time when and the place where such recount is to be made, and each of such contesting candidates may appear and be present during such recounting, either in person or by an agent appointed in writing by him in his stead.

Result of an election not to be declared until time for requesting a recount has expired.

SECTION 107. The board of aldermen shall not declare the result of an election until the time for filing a request for a recount of ballots has expired, or, in case of such request having been made, until the said ballots have been examined and the returns amended, if found erroneous: any provision in the charter of any city or in any act in amendment thereof to the contrary notwithstanding. Upon the expiration of the time allowed for filing such request for a recount of ballots, if no such request has been filed, or after the ballots have been examined in accordance with such request and such returns as are found erroneous have been amended, as provided in the preceding sections, the board of aldermen shall forthwith declare the result of the election, and the city clerk shall thereupon issue certificates of their election to the persons appearing from such returns to be elected.

Copies of records of votes at state elections to be transmitted to the secretary, etc.

SECTION 108. City and town clerks shall within ten days from the day of an election for electors of president and vice-president, representatives in congress, governor, lieutenant-governor, councillors, senators, secretary, treasurer and receiver-general, auditor, attorney-general, commissioners of insolvency, sheriffs, registers of probate and insolvency, district-attorneys or clerks of the courts, transmit copies of the records of the votes, attested by them, certified by the mayor and aldermen or selectmen, and sealed up, to the secretary of the Commonwealth; they shall in like manner, within ten days after an election for county treasurer or register of deeds, transmit such copies of the records of the votes to the county commissioners of their several counties; and within ten days after an election for county commissioners, transmit such copies of the records of the votes to the clerks of the courts for their several counties; but in the county of Suffolk the return of votes for register of deeds shall be made to the board of aldermen of Boston,

and in Revere and Winthrop the returns of votes for county commissioners shall be made to the clerk of the courts for the county of Middlesex.

SECTION 109. City and town clerks shall certify to the secretary of the Commonwealth within fifteen days after the day of an election for state, city or town officers the total number of names of persons checked on the lists of voters as having voted in each town or voting precinct at such elections.

Number of names of persons checked on lists to be certified to the secretary.

SECTION 110. Proof that a return of votes was properly directed to the person to whom it was required to be transmitted or delivered, and mailed within the time fixed by law for such transmission or delivery, shall be a bar to any complaint for delinquency.

Proof of return of votes, properly directed, shall be a bar to complaint for delinquency.

SECTION 111. When a return of votes from a city or town is received at the office of the secretary of the Commonwealth not sealed up as by law required, he shall forthwith give notice thereof to the returning officers; who upon the receipt of such notice shall make a copy of their record of the votes of said election, and transmit the same, certified by them under oath to be correct, to the secretary, and sealed up as required by law in the case of original returns. If such copy is received by the secretary before the day on which by law the returns are to be opened and the votes counted, and if, upon opening said copy by the governor and council, the legislature, or any person authorized so to do, the original return is found in substantial conformity therewith, it shall not be rejected because of informality.

When return of votes is received unsealed, sealed copy of record to be transmitted.

SECTION 112. The secretary shall furnish to the several cities and towns blank forms and envelopes for all certificates, transcripts and returns required to be made to his office under this act, with such printed directions on the envelopes as he deems necessary for the guidance and direction of such officers in making the returns according to law.

Blank forms, envelopes, etc., to be furnished to cities and towns.

SECTION 113. A memorandum of the date of the reception of all returns of votes at the secretary's office shall be made at said office on the envelopes containing them; and if a return required to be sealed up is received unsealed, the secretary shall make a memorandum of such fact upon said return.

Memorandum to be made of date of reception.

SECTION 114. The secretary upon receiving the returned copies of the records of votes shall transmit

Returns to be transmitted to

governor and council with seals unbroken.

them as received with their seals unbroken to the governor and council; and the governor with five at least of the council shall as soon as may be examine them; and he shall issue his summons to such persons as appear to be chosen to the offices of governor, lieutenant-governor, councillors, secretary, treasurer and receiver-general, auditor, attorney-general, and senators; and to such persons as appear to be chosen members of congress, commissioners of insolvency, sheriffs, registers of probate and insolvency district-attorneys and clerks of the courts, he shall forthwith transmit a certificate of such choice, signed by the governor and countersigned by the secretary.

Abstract of returns of votes to be furnished to newspapers, upon application.

SECTION 115. Upon the completion of the examination of the copies of the records of votes by the governor and council, and the determination of the persons severally appearing to be elected in accordance therewith, the secretary of the Commonwealth shall furnish to such newspapers in the Commonwealth as shall apply for the same an abstract of the returns of votes. All copies of records of votes, whether original or corrected, shall be placed and remain on file in the office of the secretary of the Commonwealth, and be there open to inspection by any interested person who may apply therefor.

Examination of returns by governor and at least five members of the council.

SECTION 116. The governor shall in the presence of at least five councillors make and subscribe a certificate of the examination of the returns of votes for governor, lieutenant-governor, and councillors, required by article sixteen of the amendments of the constitution, and of the result of said examination.

Returns to be placed in envelopes after examination and laid before the senate and house of representatives.

SECTION 117. After such examination, the returns shall be replaced in their respective envelopes, which with the returns and such certificate, the governor shall deliver to the secretary, and the secretary on the first Wednesday of January shall lay the same, together with schedules showing the number of ballots which appear to have been cast for each person voted for, before the senate and house of representatives.

Number of assessed polls of registered voters and the number who voted to be reported to the legislature.

SECTION 118. The secretary of the Commonwealth shall report to the legislature, on or before the first day of February of each year, the number of assessed polls, the number of registered voters at the date of the last preceding city, town and state elections, and the total number of persons who voted at such elections in each

city, town or voting precinct. Said report shall be one of the series of public documents, and fifteen hundred copies shall be printed annually.

SECTION 119. On the first Wednesday of the month succeeding an election for county commissioner or special commissioners, the board of examiners for the county for which the election was held shall meet; and the clerk of the courts shall present the returned copies of votes at such election: and the board shall open and examine them, and notify each person chosen of his election. If such board or clerk wilfully neglects to perform any duty required of them under this section, each of them so neglecting shall forfeit a sum not exceeding two hundred dollars.

Examination of returns of votes for county commissioner, etc.

Penalty.

SECTION 120. The board shall within three days after such examination file such copies in the office of the clerk: and any one of them wilfully detaining in his custody such a copy three days after the time for filing it has expired shall forfeit fifty dollars, and the same sum for each succeeding day of such detention; and the clerk shall notify the attorney-general of every neglect so to file and of every such detention. The board shall also forthwith notify the secretary of the Commonwealth of the name and residence of every person so chosen, and the date when his term of service will expire; and shall give the like notice of any vacancy in either of said offices.

Penalty for wilfully withholding return.

Secretary to be notified of person chosen and of vacancy.

SECTION 121. County commissioners shall, on the first Wednesday of the month next succeeding an election for county treasurer or register of deeds in their county, open and examine the returned copies of records of votes at such election and notify the person chosen of his election; they shall also forthwith notify the secretary of the Commonwealth of the name and residence of every person so chosen and the date when his term of service will expire; and shall give the like notice of any vacancy in either of said offices. In Suffolk county the board of aldermen of Boston, within ten days after an election for register of deeds for said county, shall so open and examine the votes of such election and give notice as above provided.

Examination of returns of votes for county treasurer and register of deeds; secretary to be notified.

SECTION 122. If, upon examination of the returned copies of records of votes, it shall appear to the governor and council, board of examiners or county commissioners

If copy is incomplete, etc., new copy to be made and transmitted.

that any such copy is incomplete or erroneous, they may order a new copy of the record to be made and transmitted in the manner provided for making and transmitting the original return. Said new copy shall be returned by the clerk of the city or town within seven days after the date of the order requiring the same to be made, and if adjudged to be correct and in conformity to the requirements of law shall thereupon have the same force and effect as an original return correctly made and transmitted. The provisions of law applicable to the filing of original returns of votes by boards of examiners shall apply to the filing of such new returns.

New return to be made within seven days.

Statements relative to election not to be made prior to public declaration of vote.

SECTION 123. Prior to the public declaration of the vote at an election, no statement shall be made by any selectman, clerk, warden, inspector, teller or other election officer, of the number of ballots cast, the number of voters present, the number of votes given for any person or for any officer, the name of any person who has voted, the name of any person which has been voted on, or of any other fact tending to show the state of the polls.

Penalties.

SECTION 124. Any selectman, clerk, warden, inspector, teller or other election officer who violates the provisions of the preceding section shall be punished by fine not exceeding one hundred dollars or by imprisonment in the house of correction for twenty days.

Precinct officers to have full authority to preserve order at and around polling place.

SECTION 125. Precinct officers shall possess full authority to maintain regularity and order and to enforce obedience to their lawful commands during an election and during the canvass of the votes after the closing of the polls, and shall have full authority to preserve peace and good order at and around the polling place and to keep the access thereto open and unobstructed, and may require any police officers, constables or other persons present to communicate their orders and directions and to assist in the performance of the duties in this section enjoined.

Police officers to be stationed at polling places.

SECTION 126. It shall be the duty of the selectmen of each town and of the chief executive officer of the police force of each city to detail a sufficient number of constables or police officers, who shall be stationed at each polling place on the day of election, to preserve order and to protect each and all of said election officers and supervisors from any interference with or obstruction in

the performance of their respective duties, and to aid in enforcing the provisions of law relating to elections.

SECTION 127. If any person shall refuse to obey the lawful commands of the election officers, or, by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, they may make an order directing any constable or police officer, or other person, to take the person so offending into custody and detain him until the final canvass of the votes shall be completed, but such order shall not prohibit the person so taken into custody from voting at such election.

Person offending to be taken into custody, but not prohibited from voting.

SECTION 128. If any person shall wilfully disobey any lawful commands of the election officers, or shall wilfully and without lawful authority obstruct, hinder or delay any voter on his way to any polling place where an election is to be held, or while he is exercising or attempting to exercise the right of voting, or shall aid or assist in such obstruction or delay, he shall be punished by fine not exceeding two hundred dollars or by imprisonment in the house of correction for not more than one year.

Penalty, for disobeying orders of election officers or obstructing voter.

SECTION 129. Whoever knowing that he is not a qualified voter at an election wilfully votes for any officers to be then chosen, or whoever so votes more than once on his own name, or whoever so votes in more than one town or voting precinct, his name having been registered more than once or in more than one town or voting precinct, shall be punished by fine not less than three hundred dollars or by imprisonment in jail for not less than three nor more than twelve months.

for illegal voting.

SECTION 130. Whoever wilfully aids or abets any one not legally qualified in voting or attempting to vote at an election, shall forfeit a sum not exceeding two hundred dollars for every such offence, or shall be punished by imprisonment in jail for not less than one nor more than twelve months.

for aiding in illegal voting.

SECTION 131. Whoever, with intent to cheat or defraud, alters any ballot cast for any officer at any election held for the choice of public officers; and whoever, with such intent, deposits any ballot in the ballot-box used at such election or in the envelope used for the preservation of any state or city ballots cast at such election; and whoever, with such intent, removes any ballot from such ballot-box or envelope, shall be punished by fine not

for altering, etc., ballot, with intent to cheat, etc.

exceeding five hundred dollars or by imprisonment in the jail not exceeding three years.

Penalty for vot-  
ing under  
another name.

SECTION 132. Whoever, in an assembly of people met for a lawful purpose at which an alphabetical list of voters is used in voting, votes or attempts to vote under any name other than his own, shall be punished by fine not exceeding fifty dollars or by imprisonment in the jail not exceeding thirty days.

for illegal  
voting.

SECTION 133. Whoever votes or attempts to vote upon any name other than his own at any state, city or town election, or whoever knowingly gives more than one ballot at one time of balloting at such election, shall be punished by imprisonment in the house of correction for not less than three months nor more than one year.

for aiding or  
abetting in ille-  
gal voting.

SECTION 134. Whoever aids and abets any person in the commission of the offences described in the preceding section shall be punished by fine not exceeding one thousand dollars or by imprisonment in the house of correction not exceeding one year.

for giving  
false answers.

SECTION 135. Whoever wilfully gives a false answer to the selectmen or moderator presiding at an election shall forfeit for each offence a sum not exceeding one hundred dollars.

for attempt-  
ing to influence  
voters by  
bribes, etc.

SECTION 136. Whoever by bribery, or threatening to discharge from his employment, or to reduce the wages of, or by a promise to give employment or higher wages to, a person, attempts to influence a qualified voter to give or withhold his vote in an election, shall be punished by fine not exceeding three hundred dollars or by imprisonment in the jail or house of correction for a term not exceeding one year, or both, at the discretion of the court.

for bribery at  
elections.

SECTION 137. Whoever pays, gives or bestows, or directly or indirectly promises, any gift or reward to secure the vote of any person for any officer to be voted for at any state, city or town election, shall be punished by fine of not less than fifty nor more than one thousand dollars or by imprisonment in the house of correction for not less than three months nor more than one year, or both, at the discretion of the court.

for disorderly  
conduct.

SECTION 138. Whoever is disorderly at a meeting held for an election mentioned in this act shall forfeit a sum not exceeding twenty dollars.



SECTION 139. Whoever in a town, ward or precinct meeting, smokes or has in his possession a lighted pipe, cigarette or cigar, or carries into any such meeting or keeps therein any intoxicating liquor, shall be deemed guilty of disorderly conduct, and the moderator, warden or other presiding officer at such meeting shall order such person to remove such pipe, cigarette, cigar or liquor, or to withdraw himself from such place of meeting; and, on his refusing or declining to obey such order, shall direct any police officers, constables or other persons present, to take him from the meeting and confine him in some convenient place until the meeting is adjourned. The person so refusing shall for every such offence forfeit a sum not exceeding twenty dollars.

Presiding officer to require person smoking or having liquor to withdraw.

Penalty for disobedience.

SECTION 140. If a city or town officer wilfully neglects or refuses to perform the duties required of him respecting elections by the provisions of this title he shall for each offence forfeit a sum not exceeding two hundred dollars.

Penalty, on officers for neglect or refusal.

SECTION 141. The clerk of any city or town who fails to make return of the votes given therein in conformity with the provisions of law shall be liable to a fine of not less than five nor more than fifty dollars.

on clerks for failure to make return of votes.

SECTION 142. The provisions of this title relating to cities, except section one hundred and seven, shall not be deemed to repeal or modify any provisions of law inconsistent therewith and now in force by virtue of statutes relating to particular cities: *provided, however,* that all elections in cities which, by any statute, are appointed to be held on a Monday, shall be held on the Tuesday next following such Monday.

Specific provisions in city charters to remain in force.

Proviso.

SECTION 143. No person entitled to vote at a state election shall be employed upon the day on which any state election occurs in any manufacturing, mechanical or mercantile establishment in this Commonwealth, except such establishment as may lawfully conduct its business on the Lord's day, during the period of two hours after the opening of the polls in the town, ward or precinct in which such person is entitled to vote: *provided,* such person shall make application for leave of absence during such time.

Time to be allowed for voting of employees.

Proviso.

SECTION 144. Every owner, superintendent or overseer in any such establishment who employs or permits to be employed any person in violation of the preceding

Penalty.

section shall forfeit not less than twenty nor more than fifty dollars for each offence.

Election laws of Boston not repealed.

SECTION 145. The provisions of this title shall not be deemed to repeal the special laws relating to elections in the city of Boston.

### TITLE III.

#### OFFICERS TO BE VOTED FOR AT STATE ELECTIONS.

Provisions applicable to state elections to apply.

SECTION 146. The provisions of law applicable to State elections shall apply to the election of the officers herein referred to except as hereinafter provided.

#### GOVERNOR, ETC.

Election of governor and other state officers.

SECTION 147. The governor, lieutenant-governor, councillors, secretary, treasurer and receiver-general, auditor, attorney-general, and senators and representatives in the the general court, shall be elected annually on the Tuesday next after the first Monday of November, as prescribed in the constitution.

Warrants for meetings for election of representatives.

SECTION 148. Warrants for meetings for the election of representatives shall direct that the voters in cities, towns, wards and precincts be notified to bring in their votes on one ballot for the representatives to which their several districts are entitled, and shall specify the number thereof.

Transcript of records to be made.

SECTION 149. In cities, towns, wards and precincts composing a part of a representative district, the selectmen and town clerks and election officers, in open town, ward and precinct meetings, and the mayor and aldermen and city clerks, shall forthwith, upon the vote for representative being recorded, make out under their hands, and seal up and deliver to their respective clerks a true transcript of such record.

Place at which clerks shall assemble, etc., to be designated.

SECTION 150. The officers or boards authorized by the constitution to apportion the representation assigned to the several counties, at their meeting for such purpose, shall designate a place in each representative district, not contained in or consisting of one town or city, at which the clerks of cities, towns, wards and precincts composing such district shall assemble for the purpose of ascertaining the results of elections. Such place of meeting may be changed once in two years by the same authority, after a hearing on the petition of two of such

clerks. Due notice of such designation or change shall be given by said officers or boards to the secretary of the Commonwealth and to every city, town, ward and precinct in the district.

SECTION 151. The clerks of cities, towns, wards and precincts composing such district shall meet at noon on the tenth day following an election for representatives, at the place so designated: *provided, however*, that such clerks shall meet on the fourth day following an election for representatives to fill a vacancy. Such clerks shall examine and compare such transcripts and ascertain what persons have been elected. If any error appears in a transcript or return the clerks shall forthwith give notice thereof to the officers required to make the return, and such officers shall forthwith, in conformity to the truth and under oath, make a new return, which, whether made with or without such notice, shall be received and examined by said clerks within two days after the time appointed for the meeting; and for that purpose the meeting may be adjourned not exceeding two days. No return shall be rejected when the number of votes given for each candidate can be ascertained.

Meeting of clerks to determine choice of representative.

SECTION 152. Such clerks shall at such meeting make out under their hands a complete return of the names of all persons for whom votes were given in the district, and the number of votes for each person, and a record of the return shall be made in the book of records of their respective cities, towns, wards or precincts within four days after the day of the meeting.

Clerks to make return and record.

SECTION 153. When it is ascertained who is elected representative in a district composed of one town or city, or one or more wards or precincts of a city, the selectmen, or mayor and aldermen, shall make out duplicate certificates thereof, and shall transmit them within fifteen days after the day of election, one to the office of the secretary of the Commonwealth and the other by a constable or other authorized officer to the person elected.

Duplicate certificates to be made and transmitted within fifteen days after election.

SECTION 154. When the clerks of cities, towns, wards and precincts composing a district, at their meeting for the purpose, ascertain that a representative is elected in their district, they or a majority of them shall make out duplicate certificates thereof, and shall transmit them within fifteen days after the day of election, one to

Duplicate certificates to be made and transmitted within fifteen days after election.

the office of the secretary of the Commonwealth and the other by a constable or other authorized officer to the person elected.

Return of votes to be transmitted within fifteen days after election.

SECTION 155. City and town clerks shall transmit to the secretary of the Commonwealth, within fifteen days after the day of an election for representatives in the general court, attested copies of the records of votes cast for all candidates for said office in each voting precinct or in each town not divided into voting precincts.

Form of certificate.

SECTION 156. Such certificates of election shall be in substance as follows : —

Commonwealth of Massachusetts, county of . Pursuant to a law of this Commonwealth, the qualified voters of Representative District Number , in their several meetings on the day of November instant, for the choice of representatives in the general court, did elect , being inhabitants of said district, to represent them in the general court to be holden on the first Wednesday of January next.  
Dated at the day of  
in the year one thousand eight hundred and .

Such certificates shall have a return thereon, signed by the officer authorized to give such notice, and stating that notice of the choice was given to the persons therein mentioned, and that said persons were summoned to attend the general court accordingly.

If no choice, certificate to be sent, etc.

SECTION 157. If it appears that no choice of representative has been effected by reason of two or more persons having the same number of votes, so that no person has a plurality, a certificate of the fact shall be transmitted to the secretary of the Commonwealth by the same officers and in the same manner as is hereinbefore provided for one of the certificates of election in cases when an election is made.

Proceedings in case of a vacancy.

SECTION 158. When a vacancy occurs in a representative district, the speaker of the house of representatives shall, in the precept which he may issue by order of the house giving notice of such vacancy, appoint a time for an election to fill the same. Upon the reception of such precept, the mayor and aldermen of a city and the selectmen of the towns comprising the district shall issue their warrants for an election on the day named in the precept; and similar proceedings shall be had in filling such vacancy as in the original election of representatives.

SECTION 159. The blank forms for certificates and returns required under this title shall have printed thereon sections one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-six and one hundred and fifty-seven of this act, and the first four sections of chapter two of the Public Statutes.

Certificates and returns to contain certain provisions of law.

SECTION 160. In all returns of elections the whole number of ballots given in shall be distinctly stated in words at length: *provided*, that the omission to state the whole number of ballots shall not make the return invalid in any case in which the true result of the election can be ascertained from the other parts of the return, or by a recount made in conformity with the provisions of law.

Whole number of ballots to be stated.

Proviso.

SECTION 161. A selectman giving a certificate of election to a person voted for as representative to the general court, not in accordance with the declaration of the vote in open town-meeting at the time of the election, or in accordance with a recount of votes, shall forfeit three hundred dollars.

Penalty, on selectmen for false certificate.

SECTION 162. A clerk wilfully signing a certificate not in conformity with the result of an election, as appearing by the transcripts and returns or by a recount of votes, shall forfeit a sum not exceeding three hundred dollars.

on clerks for false certificate.

SECTION 163. Towns and cities may provide suitable compensation to clerks and selectmen for services performed by them under the requirements of this act.

Compensation of clerks and selectmen.

SECTION 164. In case of a vacancy in the office of city or town clerk, or any disability in such clerk to perform the duties required by this title, the selectmen, mayor and aldermen, or board of aldermen, may appoint a clerk pro tempore, who shall be sworn and perform such duties.

Clerk, pro tempore.

#### REPRESENTATIVES IN CONGRESS.

SECTION 165. The mayor and aldermen and selectmen of the several cities and towns shall, as provided in this act, call meetings to be held on the Tuesday next after the first Monday in November in the year one thousand eight hundred and ninety, and thence afterwards, biennially, on the Tuesday next after the first Monday in November, for the voters to give their votes for representatives in congress.

Election of representatives in congress.

Representatives  
in Congress,  
envelopes for  
returns of votes  
for.

SECTION 166. The clerks in making their returns of votes for representatives in congress shall transmit them in envelopes expressing on the outside the district in which the votes were given.

proceedings  
in case of no  
choice.

SECTION 167. In case of no choice in a congressional district, the governor shall cause precepts to issue to the mayor and aldermen and selectmen of the several cities and towns in the district, directing them to call a new meeting on the day appointed in such precept for the voters to give their votes for a representative in congress. The precept shall be accompanied with a list of all the persons voted for in the district who received fifty votes or more according to the next preceding return and shall show the number of votes for each of such persons; similar proceedings shall be had thereon and the same returns made as in an original election; and the like proceedings shall be repeated as often as occasion may require.

proceedings  
in case of a  
vacancy.

SECTION 168. When a vacancy happens in the representation of this Commonwealth in congress, the governor shall cause precepts to issue for a new election in the district where the vacancy exists; and similar proceedings shall be had thereon as in an original election.

Penalty on offi-  
cers for neglect  
or refusal.

SECTION 169. If any city or town officer wilfully neglects or refuses to perform any duty required of him by the provisions of this title he shall forfeit for each offence a sum not exceeding two hundred nor less than thirty dollars.

#### ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

Electors of  
president and  
vice-president,  
number.

SECTION 170. In each year when the election of president and vice-president of the United States takes place there shall be chosen as many electors of president and vice-president as the Commonwealth is at such time entitled to.

election of.

SECTION 171. The mayor and aldermen and selectmen of the several cities and towns shall, in the manner hereinbefore provided in this act, call meetings to be held on the Tuesday next after the first Monday in November of such year for the voters to give their votes for the whole number of electors to which the Commonwealth is entitled.

SECTION 172. The names of all the candidates for electors shall be printed on each ballot as provided by chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine; and each group of candidates shall contain the name of at least one inhabitant of each congressional district into which the Commonwealth shall be then divided and shall designate the congressional district to which he belongs.

Electors of president and vice-president, arrangement of names of candidates on ballot.

SECTION 173. The governor and council shall within ten days after the returns of votes for electors have been transmitted to the secretary of the Commonwealth, as provided in this act, open and examine such returns and count the votes and declare by proclamation, to be printed in at least one newspaper in each county of the Commonwealth, the names of the several persons who have received not less than one-fifth of all the votes cast and the number of votes received by each person; and the several persons who have received the highest number of votes so returned and whose election shall not have been contested and notice of such contest given to the governor within fourteen days of the date of such proclamation shall be deemed and taken to be elected; and the governor shall thereupon transmit to each person so chosen a certificate of his election.

governor and council to examine returns of votes and to make proclamation.

candidates to receive certificates if election is not contested.

SECTION 174. If upon examination of the returns of votes it appears that a majority of the whole number of electors are not chosen, the governor shall forthwith by proclamation call the legislature together, which shall, by joint ballot of the senators and representatives assembled in one room, choose as many electors as may be necessary to complete the full number.

proceedings when a majority are not chosen.

SECTION 175. The electors shall convene at the state house in Boston on the Saturday preceding the second Monday in January following their election, at three o'clock in the afternoon. In case of the death or absence of an elector, or in case the number of electors is deficient, the electors present shall forthwith elect from the citizens of the Commonwealth so many persons as shall supply the deficiency.

time and place of meeting.

SECTION 176. The electors so convened shall on said second Monday in January vote by ballot for one person for president and one person for vice-president of the United States; one of whom at least shall not be an inhabitant of this Commonwealth. They shall name in

to vote, certify and transmit lists to seat of government.

Electors of president and vice-president.

their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president and vice-president, and of the number of votes given for each: which lists they shall sign and certify, and transmit, sealed up, to the seat of the government of the United States, directed to the president of the senate; and they shall in all respects proceed conformably to the constitution and laws of the United States.

compensation.

SECTION 177. Each elector shall receive three dollars a day for attendance, and the same compensation for travel as is allowed to a member of the general court.

Candidate who received one-fifth of votes cast may apply to S. J. C. to be declared elected.

SECTION 178. Any person who, by the proclamation of the governor as hereinbefore provided, appears to have received not less than one-fifth of the votes cast in an election for electors of president and vice-president of the United States may apply to the supreme judicial court in the county of Suffolk for a declaration of his election as elector.

Petition to be filed within seven days from date of proclamation, to give names, etc.

SECTION 179. Such application shall be made by petition in writing, to be filed within seven days from the date of the proclamation provided for in section one hundred and seventy-three of this act. The petition shall set forth the names of the person or persons whose election is contested and the grounds for such contest. The petitioner shall, upon filing such petition and before any proceedings are had thereon, recognize to the Commonwealth, in such sum and with such sureties as the court shall order, to pay all costs incurred in the prosecution of such petition in case he shall not prevail in the same.

Notice of substance of petition and day of hearing to be given to governor, and other candidates.

SECTION 180. Upon the filing of said petition and the giving of the said recognizance, the said court shall order due notice of the petition to be given, in such manner as it may direct, to the governor of the Commonwealth and to the person or persons whose elections are contested, said notice to be published in such newspapers, being at least one in each county of the Commonwealth, as the court shall order. Such notice shall contain a short statement of the substance of the petition and shall designate the day fixed by the court for the hearing of the same, which day shall be not less than three nor more than seven days from the filing of the petition.



SECTION 181. At the day fixed for the hearing the petitioner shall appear and produce his evidence, and the person or persons whose election is contested may appear and produce evidence on their part. Either party may appear himself or by his authorized agent or attorney, and no other person shall be entitled to be made a party to the proceedings on such petition or to be heard personally or by counsel thereon: *provided*, that if more than one petition be pending or more than one election be contested, the court may order the cases to be heard together or apart as in its judgment may seem best.

Petitioner to appear and candidate whose election is contested may appear, etc.

SECTION 182. The court shall thereupon hear the case or cases, and finally determine all questions of law or fact involved. The burden of proof in every case shall be upon the petitioner, and the hearing shall be confined to the grounds stated in the petition, which shall not be amended after it has been filed. No *ex parte* affidavit shall be competent evidence in such hearing. No person shall be excused from testifying or producing papers or documents on the ground that such testimony or production will tend to criminate himself: *provided*, that no person so testifying shall be liable to any suit or prosecution, civil or criminal, for any matters or causes in respect of which he shall be so examined or to which his testimony shall relate. The court shall have the same powers to compel the attendance of witnesses which it now has in suits at common law, and nothing in this act shall be held to limit the power of the court to make such rules and regulations as to the conduct of the proceedings as it may deem proper, not inconsistent with the provisions of this act, and the court shall have all powers necessary to the complete carrying out and performance of the authority conferred upon it by this act.

Court to determine all questions of law or fact involved.

Proviso.

SECTION 183. The court shall adjudge in each case which of the parties to the proceedings is entitled to the office of elector, and shall cause such adjudication to be entered of record in such form and manner as it shall direct, and shall forthwith certify said adjudication to the governor of the Commonwealth; and such adjudication so certified shall be final and conclusive that the person therein stated to have been elected is duly elected; and the governor shall forthwith transmit to such person a certificate of his election, and every such certificate shall

Court to adjudge which party is entitled to the office.

recite that it is issued pursuant to an adjudication under this act, referring to this act by the date of its passage.

If petitioner fails to prosecute petition, court to adjudge that he has so failed, and to certify adjudication to governor.

SECTION 184. If any petitioner shall fail to duly appear and prosecute his petition against any person who has been made a respondent thereto, according to the requirements of this act and of such rules or orders as the court shall make, the court shall adjudge that he has so failed, and shall cause such adjudication to be entered of record in such form and manner as it shall direct, and shall forthwith certify such adjudication to the governor of the Commonwealth; and the same shall be a final and conclusive bar to the claim of the petitioner against such respondent as fully and completely as if such claim had been heard and determined on its merits; and the governor shall issue his certificate as provided in the preceding section.

Costs to be taxed under the direction of the court.

SECTION 185. The costs of all proceedings under this act shall be taxed under the direction of the court, and if more than one case is heard together the costs shall be apportioned under the same direction, and in every case in which the petitioner shall not finally prevail the costs shall be paid by him, and in every case in which the petitioner shall finally prevail the costs shall be borne by the Commonwealth, and the same shall be paid out of the treasury of the Commonwealth upon the warrant of the governor and council.

Final hearing and determination to be by a majority of the justices.

SECTION 186. The final hearing and determination under this act shall be by a majority of the justices of the court, but any single justice may exercise any other of the powers given to the court by this act.

Periods of time, how to be reckoned.

SECTION 187. All periods of time mentioned in sections one hundred and seventy-three, one hundred and seventy-nine and one hundred eighty of this act shall be reckoned exclusive of the day from which they begin to run and inclusive of their last day, and Sundays and holidays shall be included.

#### DISTRICT AND COUNTY OFFICERS.

Election of district and county officers.

SECTION 188. District-attorneys, clerks of the courts, registers of probate and insolvency, sheriffs, commissioners of insolvency, county commissioners, special commissioners, county treasurers and registers of deeds, shall be chosen by ballot on the Tuesday next after the first Monday of November in the years in which said

officers are respectively to be elected, except as herein-after provided. Those persons now holding said offices shall continue to hold the same during the terms for which they are elected, unless sooner removed as provided by law.

#### DISTRICT-ATTORNEYS.

SECTION 189. In the year eighteen hundred and ninety-two and every third year thereafter, there shall be elected by the voters in each of the districts into which the Commonwealth is divided for the administration of the criminal law a district-attorney, who shall be a resident within the district. The officers so elected shall hold their offices for three years from the first Wednesday of January following their election.

Election of district-attorneys.

#### CLERKS OF THE COURTS.

SECTION 190. In the year eighteen hundred and ninety-one and every fifth year thereafter, there shall be elected by the voters in the county of Suffolk a clerk of the supreme judicial court for said county, and two clerks of the superior court for said county, one for the civil and one for the criminal business, and by the voters in each of the other counties a clerk of the courts for the county, who shall act as clerk of the supreme judicial court, the superior court and the county commissioners. Such clerks shall hold their offices for five years from the first Wednesday of January following their election, unless sooner removed as provided by law.

clerks of courts.

#### REGISTERS OF PROBATE AND INSOLVENCY.

SECTION 191. In the year eighteen hundred and ninety-three and every fifth year thereafter, there shall be elected by the voters in each county a register of probate and insolvency for the county, who shall hold his office for five years from the first Wednesday of January following his election.

registers of probate and insolvency.

#### SHERIFFS AND COMMISSIONERS OF INSOLVENCY.

SECTION 192. In the year eighteen hundred and ninety-two and every third year thereafter, there shall be elected by the voters in each county a sheriff for the county, and in the county of Worcester four commissioners of insolvency, and in each of the other counties three

sheriffs and commissioners of insolvency.

commissioners of insolvency. Each of said officers shall hold his office for three years from the first Wednesday of January following his election.

COUNTY COMMISSIONERS AND SPECIAL COMMISSIONERS.

Election of county commissioners.

SECTION 193. The voters in the county of Middlesex with those of the towns of Revere and Winthrop, and the voters in each of the other counties except Suffolk and Nantucket, shall annually elect one county commissioner for the county, who shall hold his office for three years and until his successor is elected and qualified. There shall be three county commissioners in each county except Suffolk and Nantucket.

special commissioners.

SECTION 194. In the year eighteen hundred and ninety-two and every third year thereafter, there shall be elected by the voters in the county of Middlesex with those of the towns of Revere and Winthrop, and by the voters in each of the other counties except Suffolk and Nantucket, two special commissioners for the county, who shall hold their offices for three years and until their successors are elected and qualified.

Not more than one commissioner to be chosen from the same place.

SECTION 195. Not more than one of the county commissioners and special commissioners in each county shall be chosen from the same city or town. When at any election two persons residing in the same city or town have a plurality of votes, whereby one would otherwise be elected county commissioner and the other special commissioner, or both, to either of those offices, the one who has the highest number of votes shall be elected; and when both have an equal number, neither of them shall be deemed elected. When a person residing in a city or town in which a county commissioner or special commissioner who is to remain in office resides has a plurality of the votes, he shall not be elected.

COUNTY TREASURERS AND REGISTERS OF DEEDS.

Election of county treasurer and register of deeds.

SECTION 196. In the year eighteen hundred and ninety-one and every third year thereafter, there shall be elected by the voters in each county, except Suffolk and Nantucket, a suitable person residing therein to be treasurer of the county, who shall hold his office for three years and until his successor is elected and qualified. At the same times there shall be elected by the voters in

each district for the registry of deeds, and in each county not divided into such districts, a suitable person residing therein to be register of deeds for such district or county, who shall hold his office for three years and until his successor is elected and qualified, unless sooner removed as provided by law.

#### FAILURES TO ELECT.

SECTION 197. If on the days aforesaid there is a failure to elect a district-attorney, clerk of the courts, register of probate and insolvency, sheriff or commissioner of insolvency, in any district or county, the governor shall by proclamation declare such failure and order a new election to be had on such day as he shall appoint, and shall continue so to order such elections until a choice is effected.

Proceedings in case of failure to elect, district-attorney, clerk of courts, register of probate and insolvency, sheriff or commissioner of insolvency.

SECTION 198. If on said days there is a failure to elect a county commissioner or special commissioner for any county, the board of examiners shall forthwith issue their warrant to the mayor and aldermen and selectmen of the cities and towns in such county, or, in the county of Middlesex, to the mayor and aldermen and selectmen of the cities and towns in said county and of Revere and Winthrop, requiring them on a day mentioned in their warrant, which shall be within twenty days after issuing the same, to call meetings of the voters in their respective places for completing such elections, and they shall continue so to issue their warrants until a choice is effected. At each election the examiners shall furnish the mayor and aldermen and selectmen with a list of the persons not elected, who at the preceding election received more than twenty-five votes.

commissioners and special commissioners.

SECTION 199. If on said days there is a failure to elect a county treasurer or register of deeds for any county or district, the county commissioners shall forthwith issue their warrant to the mayor and aldermen and selectmen of the several cities and towns in such county or district, requiring them on a day mentioned in the warrant to call meetings of the voters in their respective places for completing such elections, and they shall continue so to issue their warrants until a choice is effected. The commissioners shall in such cases meet and count the votes at such times as they shall adjourn to for that purpose.

county treasurer and register of deeds.

## VACANCIES.

Election to fill vacancy, in office mentioned in § 197.

SECTION 200. If a person elected to either of the offices mentioned in section one hundred and ninety-seven is removed therefrom or otherwise vacates the same, an election to fill such office for the remainder of his term shall be ordered by the governor, and shall be had on the Tuesday next after the first Monday of November.

commissioner, or special commissioner.

SECTION 201. A vacancy in the office of county commissioner or special commissioner of any county may be filled at any time when the board of examiners think it expedient; and they shall issue their warrant therefor to the mayor and aldermen and selectmen of the cities and towns of such county, or in the county of Middlesex to the mayor and aldermen and selectmen of the cities and towns therein, and of Revere and Winthrop, and the person chosen shall fill the office for the remainder of the term.

county treasurer or register of deeds.

SECTION 202. If a person elected county treasurer or register of deeds resigns or otherwise vacates the office, an election to fill the same for the remainder of the term shall be had on the Tuesday next after the first Monday of November upon the order of the county commissioners, who shall issue their warrant therefor as in the case of failure to elect.

Penalty on officers for neglect.

SECTION 203. If the mayor and aldermen or selectmen of any place wilfully neglect to comply with a warrant or order issued under either of the six preceding sections, each of them so neglecting shall forfeit a sum not exceeding two hundred dollars.

Appointment to fill vacancy in office of treasurer.

SECTION 204. If the office of county treasurer becomes vacant by the death, removal from the county, or incapacity of the treasurer or otherwise, the county commissioners shall appoint some suitable person, resident in the county, to fill the vacancy.

sheriff, or commissioner of insolvency.

SECTION 205. If a vacancy occurs in the office of sheriff or commissioner of insolvency in any county, the governor with the advice and consent of the council may appoint and commission some person to fill the same, who shall hold his office until another is elected and qualified.

register of deeds.

SECTION 206. In case of the death, resignation or removal of a register of deeds in the county of Suffolk,

the superior court, and in any other county the county commissioners at a meeting held at the place of their next regular meeting, shall forthwith appoint on their records some suitable person residing within the district to be register of deeds until the vacancy is filled by a new election as herein provided.

SECTION 207. County commissioners and boards of examiners shall forthwith send to the secretary of the Commonwealth a copy of any warrant for an election issued by them under the provisions of this title.

Copy of warrant for election to be sent to the secretary.

#### TITLE IV.

##### TOWN-MEETINGS AND THE ELECTION OF TOWN OFFICERS.

SECTION 208. Every male citizen of twenty-one years of age and upwards (except paupers, persons under guardianship and persons excluded by article twenty of the amendments to the constitution) who has resided within the Commonwealth one year and within the town in which he claims a right to vote six months next preceding a meeting for the transaction of town affairs, and who has been duly registered as a voter in said town, and who has paid, by himself or by his parent, master or guardian, a state or county tax assessed upon him in any town within two years next preceding such meeting; 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 at such town-meetings upon all questions concerning town affairs; and no other person shall be entitled to vote at such meeting; but nothing herein contained shall defeat the right of women, duly qualified and assessed, to vote for members of school committees.

Qualification of voters in town affairs.

Women may vote for school committee.

SECTION 209. The annual meeting of each town shall be held in February, March, or April; and other meetings at such times as the selectmen may order. Meetings may be adjourned from time to time, and to any place within the town.

Annual and other meetings; may be adjourned.

SECTION 210. Every town-meeting shall be held in pursuance of a warrant under the hands of the selectmen, directed to the constables or to some other persons appointed by the selectmen for that purpose, who shall forthwith notify such meeting in the manner prescribed by the by-laws or by a vote of the town. The selectmen

Warrants for meetings; may include two or more meetings.

may by the same warrant call two or more distinct town-meetings for distinct purposes.

Contents of warrants, etc.

SECTION 211. The warrant shall express the time and place of the meeting and the subjects to be there acted upon; the selectmen shall insert therein all subjects which may, in writing, be requested of them by any ten or more voters of the town, and nothing acted upon shall have a legal operation unless the subject-matter thereof is contained in the warrant.

If selectmen refuse, meeting may be called by a justice of the peace.

SECTION 212. If the selectmen unreasonably refuse to call a meeting, a justice of the peace, upon the application of ten or more legal voters of the town, may call such meeting by a warrant under his hand directed to the constables of the town, if any, otherwise to any of the persons applying therefor, directing them to summon the inhabitants qualified to vote in town affairs to assemble at the time and place and for the purposes expressed in the warrant.

If majority of selectmen vacate office, others may call meeting.

SECTION 213. If, by reason of death, resignation, or removal from town, a major part of the selectmen thereof vacate their office those who remain in office may call a town-meeting.

#### MODERATORS.

Moderator to be chosen.

SECTION 214. At every town-meeting, except for the election of state officers, a moderator shall first be chosen.

Conduct of meeting during the election of moderator.

SECTION 215. During the election of a moderator the town clerk if present shall preside, if he is absent or if there is no town clerk the selectmen shall preside, if neither the selectmen nor the town clerk are present the justice of the peace calling said meeting shall preside; and the town clerk and selectmen and said justice of the peace when so presiding shall have the powers and perform the duties of a moderator.

When check-list is to be used.

SECTION 216. In the election of town officers, whose election is not required by statute to be by ballot, the check-list shall be used or not as the town at its meeting shall determine: except that the check-list shall be used in the election of moderators of town-meetings held for the choice of town officers.

Moderators, powers and duties.

SECTION 217. The moderator shall preside in the meeting, may in open meeting administer the oaths of office to any town officer chosen thereat, shall regulate the business and proceedings of the meeting, decide all questions of order and make public declaration of all



votes passed. When a vote so declared by him is, immediately upon such declaration, questioned by seven or more of the voters present, he shall make the vote certain by polling the voters or by dividing the meeting, unless the town has by a previous vote or by its by-laws otherwise provided.

SECTION 218. No person shall speak in a town-meeting without leave of the moderator, nor while another person is speaking by his permission; and all persons shall at his request be silent.

No person to speak without permission.

SECTION 219. Whoever at any election of town officers, knowing that he is not a qualified voter, wilfully votes for any officer then to be chosen shall be punished by a fine not exceeding one hundred dollars for each offence.

Penalty for illegal voting.

SECTION 220. If a person behaves in a disorderly manner and after notice from the moderator persists therein, the moderator may order him to withdraw from the meeting; and on his refusal may order the constables or any other persons to take him from the meeting and confine him in some convenient place until the meeting is adjourned. The person so refusing to withdraw shall for such offence forfeit a sum not exceeding twenty dollars.

Disorderly conduct, penalty.

SECTION 221. A moderator or other presiding officer who at a town-meeting, before the poll is closed and without the consent of the voter, with a view to ascertain the candidate voted for by him, reads, examines, or permits to be read or examined the names written on such voter's ballot, shall forfeit a sum not exceeding fifty dollars.

Penalty on presiding officer for reading, etc., ballot before the poll is closed.

SECTION 222. Moderators and town clerks when required to preside at town-meetings may appoint tellers to aid them in checking the names of voters, or in assorting and counting votes. Such tellers shall be sworn to the faithful discharge of their duties by the town clerk, who shall make a record of the taking of such oath. Every such teller shall be subject to the same penalties to which the officer so appointing him is subject in the performance of the duties in which such tellers assists.

Tellers, appointment, to be sworn, powers and duties.

SECTION 223. The moderator of a town-meeting shall receive the votes of all persons whose names are borne on the list of voters as certified by the registrars of voters; and shall not be answerable for refusing the

Moderator to receive votes of registered voters.

vote of a person whose name is not on said list, unless such person presents a certificate from the registrars of voters as provided in title one of this act.

Ballots to be deposited open and unfolded.

SECTION 224. No vote shall be received by the presiding officers at any election provided for in this title unless presented for deposit in the ballot-box by the voter in person, open and unfolded, and so that such officers can know that only one ballot is presented.

Ballots cast by women in voting for school committee.

SECTION 225. Ballots cast by women qualified to vote for school committee, shall contain the words:— For school committee, only.— clearly written, printed or stamped upon the back thereof; and only such ballots so endorsed shall be received from women so voting. Ballots containing such endorsement shall be counted only in the choice of members of school committee, and for no other office or purpose.

Statement of errors, filed with clerk within two days after meeting, to be sent to moderator.

SECTION 226. If within two days next following the day of an election in a town for town clerk, selectmen, assessors, treasurer, collector of taxes or school committee, at which all of said officers are voted for upon one ballot, ten or more qualified voters of such town file with the town clerk a statement in writing that they have reason to believe that an error was made in ascertaining or declaring the result of any such election, specifying wherein they deem such error to have been made, said clerk shall forthwith transmit such statement to the moderator. Such moderator shall thereupon, and within three days next following the day of such election, open the envelope or envelopes containing the ballots cast for candidates for the office, the election to which is disputed, and determine the questions raised. If upon such determination it shall appear that some person was elected other than the person declared to have been elected, the moderator shall forthwith file a certificate of such fact, signed by him, stating therein the number of votes cast for each candidate for the office, the election to which is disputed, as determined by the recount, with the town clerk, who shall record the same in his book of records of town-meetings, directly following his record of the meeting at which said election was held, and shall within twenty-four hours after such filing cause a copy of such certificate, attested by him, to be delivered to or left at the residence of the person declared in open town-meeting to have been elected, and to the person who by such

Moderator to determine question raised.

Duties of moderator and clerk when another person appears to have been elected.

certificate appears to have been elected. The person who by such certificate appears to have received the highest number of votes shall be deemed to have been elected. Moderators may appoint teller in accordance with the provisions of section two hundred and twenty-two of this act to assist them in recounting ballots under the provisions of this section. The candidate or candidates whose election is disputed and the opposing candidate or candidates may be present, with council, at any recount made under the provisions of this section.

Tellers may be appointed.

Candidates may be present with counsel.

SECTION 227. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty or punish any offence under the authority of the repealed laws.

How act is to be construed.

## TITLE V.

### REPEALS.

SECTION 228. Chapters seven, eight, nine, ten, and sections fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two and sixty-three of chapter twenty-seven of the Public Statutes, chapters twenty-eight and two hundred and sixty of the acts of the year eighteen hundred and eighty-two, chapters forty-two and two hundred and twenty-nine of the acts of the year eighteen hundred and eighty-three, chapters two hundred and ninety-eight and two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, chapters five, one hundred and seven, one hundred and eight, one hundred and forty-two, two hundred and twenty-nine, two hundred and forty-six, two hundred and forty-eight, two hundred and sixty-one, two hundred and sixty-two, two hundred and sixty-eight, two hundred and seventy-one and three hundred and fifty-one of the acts of the year eighteen hundred and eighty-five, chapters forty-nine, sixty-eight, seventy-eight, two hundred and sixty-two and two hundred and sixty-four of the acts of the year eighteen

Repeal.

Repeal.

hundred and eighty-six, chapters one hundred and forty-seven, two hundred and forty-nine, two hundred and seventy-two, three hundred and seventy-one and four hundred and thirty-two of the acts of the year eighteen hundred and eighty-seven, chapters one hundred and forty-six, one hundred and sixty-four, two hundred, two hundred and three, two hundred and six, three hundred and fifty-three, three hundred and eighty-two and four hundred and thirty-four of the acts of the year eighteen hundred and eighty-eight, chapters sixty-nine, one hundred and ninety-six, and sections one, three, four and five of chapter four hundred and four of the acts of the year eighteen hundred and eighty-nine, chapters one hundred and seventy-five, two hundred and nineteen, two hundred and twenty-three and three hundred and five of the acts of the year eighteen hundred and ninety, and all acts and parts inconsistent herewith are hereby repealed.

[Approved June 21, 1890.]

**Chap. 424** AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO BORROW MONEY FOR THE PURCHASE OF LAND AND THE ERECTION OF A HOSPITAL.

*Be it enacted, etc., as follows:*

May borrow  
\$100,000 for the  
purpose of  
establishing a  
hospital.

SECTION 1. The city of Fitchburg is hereby authorized to borrow the sum of one hundred thousand dollars and to issue its notes or certificates of indebtedness therefor at a rate of interest not exceeding four per centum per annum, and said money shall be expended for the purchase of land and the erection of a hospital building in said city as contemplated in the bequest made therefor in the will of Gardner S. Burbank late of said Fitchburg, deceased: *provided*, that from the sum received under said will by said city, or by any person or corporation in its behalf, no allowance shall be made for any interest paid, or discount allowed, on account of money borrowed and expended as aforesaid: *provided, further*, that the indebtedness so created by said city shall not be included in determining the amount of debt said city is authorized to incur under existing provisions of law.

Provisos.

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

*Approved June 21, 1890.*

## AN ACT TO AMEND AN ACT CONCERNING THE MILITIA.

Chap.425

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-six 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:—and one chief bugler and sixteen drummers, to be mustered as chief bugler and drummers, respectively,—so that said section as amended shall read as follows:—*Section 26.* To each regiment there shall be one colonel, one lieutenant colonel, one major for every four companies, and a staff, to consist of one surgeon with the rank of major, one adjutant, one quartermaster, one paymaster who shall be the mustering officer, one assistant surgeon, and one inspector of rifle practice, each with the rank of first lieutenant, and one chaplain. There shall also be a non-commissioned staff, as follows:—one sergeant major, one quartermaster sergeant, one hospital steward, one drum major; there shall also be allowed to each regiment two color sergeants, two general guides, to rank as sergeants, four markers and one orderly, each to rank as private, and one chief bugler and sixteen drummers, to be mustered as chief bugler and drummers, respectively.

Amendment to  
1887, 411, § 26.Field and staff  
officers of regi-  
ment.

SECTION 2. Section twenty-eight of said chapter four hundred and eleven is hereby amended by striking out, in the fourth line thereof, the words “two musicians” and inserting in place thereof the words:—one bugler,—so that said section as amended shall read as follows:—*Section 28.* To each company of infantry there shall be one captain, one first lieutenant and one second lieutenant, one first sergeant, four sergeants, four corporals, one bugler, and not more than forty-eight privates; and the minimum number of enlisted men shall be forty-one. To each company of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, five corporals (one of whom shall be the guidon), two buglers, and not more than sixty-four privates; and the minimum number of enlisted men shall be fifty-six. To each battery of light artillery of four guns there shall be one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, nine corporals

Amendment to  
1887, 411, § 28.Company offi-  
cers,—infantry.

cavalry.

Battery of light  
artillery.

(one of whom shall be the guidon), two buglers, and not more than sixty-six privates; and the minimum number of enlisted men shall be fifty-seven. To each battery of more than four guns there shall be for each additional gun one sergeant, two corporals, and not more than sixteen nor less than nine privates; for each additional two guns there shall be one additional second lieutenant. To each unattached company of cavalry or battery of light artillery there may be a staff to consist of one assistant surgeon, with the rank of first lieutenant, and a non-commissioned staff to consist of one hospital steward.

Unattached company.

Amendment to 1887, 411, § 55.

Non-commissioned officers, — appointment.

SECTION 3. Section fifty-five of said chapter four hundred and eleven is hereby amended by adding, in the fifteenth line thereof, after the words "color sergeants" the words: — chief bugler and sixteen drummers, — so that said section as amended shall read as follows: — *Section 55.* Non-commissioned staff officers of brigades, regiments, separate battalions, corps of cadets and unattached companies shall be appointed by their respective permanent commanders; and such commanders of regiments, separate battalions and corps of cadets shall appoint the non-commissioned officers of companies, upon the written nomination of the respective captains; but they may withhold such appointment if, in their judgment, there be proper cause. Non-commissioned officers of the signal and ambulance corps shall be appointed by their respective brigade commanders upon the written nomination of the lieutenants commanding such signal or ambulance corps. Non-commissioned officers of unattached companies shall be appointed by their respective captains. The color sergeants, chief bugler and sixteen drummers, right and left general guides, four markers and one orderly shall be appointed by regimental commanders. Non-commissioned officers of the signal and ambulance corps may be reduced to the ranks by the permanent brigade commander. The permanent commander of any regiment, battalion, corps of cadets or unattached company may reduce to the ranks any company non-commissioned officer of his command. Permanent commanders of cadet corps may reduce to the ranks non-commissioned staff officers of their corps. Company non-commissioned officers may be reduced to the ranks by sentence of court-martial, as prescribed in section one hundred and thirty-eight.

may be reduced to the ranks.

Amendments to 1887, 411, § 58.

SECTION 4. Section fifty-eight of said chapter four

hundred and eleven is hereby amended by inserting after the word "markers", in the tenth line of said section, the words:—sixteen drummers,—and by adding at the end thereof the following words:—Recruiting officers may enroll applicants for enlistment above the maximum allowed by law, not to exceed fifteen in number in each company, and such applicants may be instructed and drilled as recruits, and in the discretion of the recruiting officer shall be preferred for enlistment as vacancies may occur,—so that said section as amended shall read as follows:—*Section 58.* The commanding officers of brigades, regiments and separate battalions shall be the recruiting officers for their respective non-commissioned staffs, the commanding officers of corps of cadets for their respective corps, and such persons as the commander-in-chief may appoint for new companies under section twenty-four, until a captain shall have been elected or appointed to such company. Colonels of regiments shall be the recruiting officers for two color sergeants, two general guides, four markers, sixteen drummers and one orderly, for their respective commands. Captains and commanders of signal and ambulance corps shall be the recruiting officers for their commands, and in case of vacancy the commanding officers of regiments and battalions may order some officer to perform that duty until such vacancy is filled. Recruiting officers may enroll applicants for enlistment above the maximum allowed by law, not to exceed fifteen in number in each company, and such applicants may be instructed and drilled as recruits, and in the discretion of the recruiting officer shall be preferred for enlistment as vacancies may occur.

Recruiting  
officers.

SECTION 5. Section sixty-five of said chapter four hundred and eleven is hereby amended by adding at the end thereof the following words:—or for purposes of reorganization, upon the recommendation of a board of officers convened for the purpose,—so that said section as amended shall read as follows:—*Section 65.* An officer may be honorably discharged by the commander-in-chief, upon tender of resignation; upon the disbandment of the organization to which he belongs; or, if a staff officer, on the written request of the officer appointing him; or upon the qualification of his appointed successor; or when he accepts an appointment in the army or navy of the

Amendment to  
1887, 411, § 65.

Discharge of  
officers.

United States; or for the purposes of reorganization, upon the recommendation of a board of officers convened for the purpose.

Amendment to  
1887, 411, § 69.

SECTION 6. Section sixty-nine of said chapter four hundred and eleven is hereby amended by adding at the end thereof the following words:—The “no objection” clause in the discharge paper of an enlisted man may be stricken out by order of the commander-in-chief,—so that said section as amended shall read as follows:—

Dishonorable  
discharge.

*Section 69.* Dishonorable discharges, or discharges in such form as to forbid re-enlistment, shall be given only in accordance with sentences of courts-martial, or whenever the commander-in-chief approves the application of two-thirds of the members of a company requesting such dishonorable discharge, and that the good of the service requires such discharge. All discharges for the good of the service shall be dishonorable, and when it is discovered that a soldier so discharged has re-enlisted he shall immediately be so dishonorably discharged. The “no objection” clause in the discharge paper of an enlisted man may be stricken out by order of the commander-in-chief.

Amendment to  
1887, 411, § 70.

SECTION 7. Section seventy of said chapter four hundred and eleven is hereby amended by adding at the end thereof the following words:—But an honorable discharge certificate shall not be given unless the soldier has complied with the by-laws of the organization of which he was a member and has cancelled all his indebtedness to such organization,—so that said section as amended shall read as follows:—

Certificate of  
discharge.

*Section 70.* Every soldier discharged from the service of the Commonwealth shall be furnished with a certificate of such discharge, which shall state clearly the reason therefor. But an honorable discharge certificate shall not be given unless the soldier has complied with the by-laws of the organization of which he was a member and has cancelled all his indebtedness to such organization.

Amendment to  
1887, 411, § 71.

SECTION 8. Section seventy-one of said chapter four hundred and eleven is hereby amended by adding at the end thereof the following words:—The uniform and insignia of rank prescribed for commissioned officers of the Massachusetts volunteer militia shall be worn only by persons entitled thereto, either by commission under the laws of this Commonwealth or of another state or of the United



States, — so that said section as amended shall read as follows: — *Section 71.* All commissioned officers shall provide themselves with such uniforms, arms and equipments complete, as the commander-in-chief shall from time to time prescribe; and such uniforms, arms and equipments shall be free from all suits, distresses, executions or sales for debt or payment of taxes. The uniform and insignia of rank prescribed for commissioned officers of the Massachusetts volunteer militia shall be worn only by persons entitled thereto, either by commission under the laws of this Commonwealth or of another state or of the United States.

Uniforms,  
equipment, etc.,  
of commis-  
sioned officers.

SECTION 9. Section seventy-three of said chapter four hundred and eleven is hereby amended by adding at the end thereof the following words: — All trousers hereafter furnished to enlisted men shall be made to measure under the direction of the quartermaster-general or according to rules to be established by him, — so that said section as amended shall read as follows: — *Section 73.* The uniform of the volunteer militia shall consist of an overcoat, a coat, a fatigue blouse or jacket, a pair of trousers, a hat complete and a fatigue cap, for each enlisted man, the style of which shall be prescribed by the commander-in-chief, and uniforms hereafter provided shall be substantially alike for each arm of the service. No uniforms shall be provided by the state, except by a special appropriation for that purpose, in which case the purchase shall be made under such inspection as the commander-in-chief may direct. All trousers hereafter furnished to enlisted men shall be made to measure under the direction of the quartermaster-general or according to rules to be established by him.

Amendment to  
1887, 411, § 73.

Uniform of the  
volunteer  
militia.

SECTION 10. Section one hundred and twenty-four of said chapter four hundred and eleven is hereby amended by striking out the word “arms”, in the eleventh line, and inserting in place thereof the word: — fire-arms, — also by inserting after the word “soldiers”, in the twenty-first line, the words: — and sailors, — also by inserting after the word “parade”, in the twenty-third line, the words: — at any time, — also by striking out the word “arms”, in the twenty-third line, and inserting in place thereof the word: — fire-arms, — also in the twenty-third, twenty-fourth, twenty-fifth and twenty-sixth lines, by striking out the words “upon the reception of any regi-

Amendments to  
1887, 411, § 124.

ments or companies of soldiers returning from said service, and for the purpose of escort duty at the burial of deceased soldiers", also by striking out the word "arms", in the thirty-second line, and inserting in place thereof the word: — fire-arms, — and also by striking out in the last three lines of said section, the words "and *provided, further*, that this section shall not be construed to prevent any organization heretofore authorized thereto by law from parading with side arms", and also by adding at the end of said section the words: — and *provided, also*, that the provisions of this act shall not affect the provisions of chapter sixty-seven of the resolves of the year eighteen hundred and ninety, — so that said section as amended shall read as follows: — *Section 124.* No body of men whatsoever, other than the regularly organized corps of the militia, the troops of the United States, the ancient and honorable artillery company, the veteran artillery association of Newburyport, the veteran cadet association of Salem, the veteran association of the independent corps of cadets of Boston, the Salem light infantry veteran association, the veteran artillery association of Amesbury and Salisbury, and the Boston light infantry association, shall associate themselves together at any time as a military company or organization, for drill or parade in public with fire-arms, in any city or town of this Commonwealth, without the license of the governor thereof; and all applications for such license must be approved by the mayor and aldermen of cities and selectmen of towns in which such organizations or associations may be located, which may at any time be revoked; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming or in any way supporting, sustaining or providing drill rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers and sailors honorably discharged from the service of the United States may parade at any time in public with fire-arms, having first obtained the written permission so to do of the mayor and aldermen of the cities or selectmen of the towns in which they desire to parade; and *provided, further*, that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with fire-arms in public, under the superintendence of their

Certain associations other than the militia may parade in public with fire-arms.

Association composed of soldiers and sailors.

Students in educational institutions.

teachers; and *provided also*, that the provisions of this act shall not affect the provisions of chapter sixty-seven of the resolves of the year eighteen hundred and ninety.

Sons of  
veterans.

SECTION 11. Section one hundred and thirty-three of said chapter four hundred and eleven is hereby amended by adding at the end thereof the following words: — There shall be allowed and paid annually to each separate battalion headquarters, corps of cadets, company, signal and ambulance corps, an amount equal to one dollar and seventy-five cents for each enlisted man in each of such organizations, based upon the average attendance at tours of duty, inspections and other duly ordered state duty, during the year ending with the first day of November, for repair of the uniforms and other property of the Commonwealth, and incidental expenses of the several organizations, — so that said section as amended shall read as follows: — *Section 133.* There shall be allowed annually for postage, stationery and office incidentals, to each brigade headquarters, ten dollars for each regiment, battalion, unattached company, signal and ambulance corps in such brigade; to each regimental and separate battalion headquarters, ten dollars for each company in such regiment or battalion; to each corps of cadets, twenty-five dollars; and to each company, signal and ambulance corps, ten dollars. There shall be allowed and paid annually to each separate battalion headquarters, corps of cadets, company, signal and ambulance corps, an amount equal to one dollar and seventy-five cents for each enlisted man in each of such organizations, based upon the average attendance at tours of duty, inspections and other duly ordered state duty, during the year ending with the first day of November, for repair of the uniforms and other property of the Commonwealth, and incidental expenses of the several organizations.

Amendment to  
1887, 411, § 133.

Postage, stationery, repair of uniforms and property, and incidentals.

SECTION 12. Said chapter four hundred and eleven is hereby further amended by adding at the end thereof a new section, to be numbered one hundred and sixty-eight, as follows: — *Section 168.* To each officer and soldier now in the service, who has rendered continuous honorable service for a period of nine years, and to such as may hereafter render a like service, there shall be allowed a medal for such service, and an additional bar or clasp for every period of five years' continuous service thereafter.

Amendment to  
1887, 411.

Medals and clasps for honorable service.

To take effect  
Jan. 1, 1891.

SECTION 13. This act shall take effect on the first day of January in the year eighteen hundred and ninety-one.

*Approved June 21, 1890.*

**Chap. 426** AN ACT RELATIVE TO STANDARD WEIGHTS, MEASURES AND BALANCES.

*Be it enacted, etc., as follows:*

Standard weights, measures and balances.

SECTION 1. The standard weights, measures and balances which shall be kept by the counties, cities and towns of the Commonwealth, except as hereinafter provided, shall be the following:— A set of avoirdupois-weights, consisting of fifty, twenty-five, twenty, ten, five, four, two and one pounds; and eight, four, two, one, one-half, one-fourth, one-eighth and one-sixteenth ounces. One balance. A set of dry measures, consisting of one-half-bushel, one eight-quart, one four-quart, one two-quart and one one-quart measures. A set of liquid measures, consisting of one wine gallon, one wine half-gallon, one wine quart, one wine pint, one wine half-pint and one wine gill. One yard measure.

Metre and kilogram and standard troy weights.

SECTION 2. In addition to the standards mentioned above, each shire town, and each city not a shire town, shall keep the metre and kilogram, and also such standard troy-weights as the treasurer and receiver-general may designate. And all persons selling anything by troy-weight shall have their weights and balances which are used for this purpose duly tested and sealed by an authorized sealer having the proper standards.

Treasurer to furnish weights, measures and balances, upon application.

SECTION 3. Any county, city or town which has not received from the Commonwealth a complete set of the standard weights, measures and balances, as provided in section one, shall at once make application to the treasurer and receiver-general for the weights, measures and balances which such county, city or town has not received, and the same shall be furnished to such county, city or town at the expense of the Commonwealth.

Schedule of weights, etc., with statement to be sent to treasurer.

SECTION 4. Every county, city and town treasurer shall, within two months after the passage of this act, send to the treasurer and receiver-general a complete schedule of the standard weights, measures and balances in his possession, together with a statement of the condition of the same, and the date when the same were last tested and sealed by the state deputy sealer; and also a list of the weights, measures and balances necessary to make the

complete set required by section one, specifying any which the city or town has never received. And as soon as practicable after receiving such report, the treasurer and receiver-general shall furnish to such city or town the weights, measures and balances necessary to complete the set, charging to the city or town the cost of those of which it has before received duplicates.

SECTION 5. The deputy sealer of weights and measures shall, as soon as practicable, visit the cities and towns which report that their standard weights, measures and balances are not in good condition, and shall see that the same are put in order, and shall test and seal the same. And in carrying out this provision he shall first visit the cities and towns, if there be any such, whose standard weights, measures and balances have not been tested within ten years.

Deputy sealer to test and seal weights, etc., in cities and towns.

SECTION 6. It shall hereafter be the duty of the several city and town treasurers to have the standards in their custody tried, adjusted and sealed once at least in every five years, and it shall be the duty of the deputy sealer to try, adjust and seal the weights, measures and balances of every city and town, at least once in five years, and to see that they are kept in proper condition and order. And at any time, at the request of a city or town treasurer, the deputy shall visit such city or town, and try, adjust and seal its standards.

Standard to be adjusted and sealed at least once in five years.

SECTION 7. The deputy sealer shall in the performance of his duty inspect the weights, measures and balances of any person which are used for selling any goods, wares, merchandise or other commodities, or for public weighing, in each city or town in the Commonwealth, and if he finds the same inaccurate he shall forthwith inform the mayor of the city or the selectmen of the town, as the case may be, and the mayor or selectmen shall proceed to enforce the provisions of chapter sixty-five of the Public Statutes and acts in amendment thereof.

Deputy sealer, to inspect all weights, etc.

SECTION 8. The deputy sealer shall keep a record in detail of the cities and towns visited by him in the performance of his duties, of the weights, measures and balances tested and sealed by him; and he shall annually, during the first week in January, make a report of his doings for the year to the treasurer and receiver-general.

record and report.

SECTION 9. Instead of the fees and expenses now prescribed by law to be paid to the deputy sealer of weights

salary and expenses.

and measures, by the cities and towns, he shall receive from the treasury of the Commonwealth an annual salary of twelve hundred dollars and the necessary expenses incurred in the performance of his official duty. The bills for such expenses shall be rendered to the auditor and shall be paid from the treasury of the Commonwealth.

Deputy sealer,  
office and  
duties.

SECTION 10. The office of the deputy sealer shall be in the treasury of the Commonwealth, and his duties shall be performed under the direction and supervision of the treasurer and receiver-general.

Standards to be  
put in order by  
the treasurer.

SECTION 11. The treasurer and receiver-general is authorized to complete and put in order the standards now in his custody, and to provide whatever may be necessary for the proper performance of his duties by the deputy sealer.

SECTION 12. This act shall take effect upon its passage.

*Approved June 21, 1890.*

**Chap. 427** AN ACT RELATING TO THE SETTLEMENT OF TITLES TO REAL ESTATE.

*Be it enacted, etc., as follows:*

Petition to S. J.  
C. for settle-  
ment of title to  
real estate under  
1882, 237, 1885,  
283.

SECTION 1. A petition under chapter two hundred and thirty-seven of the acts of the year one thousand eight hundred and eighty-two, or chapter two hundred and eighty-three of the acts of the year one thousand eight hundred and eighty-five, may be filed by any person having a freehold estate, vested or contingent, in possession, reversion or remainder, in the land originally subject to the mortgage, or in any undivided or any aliquot part thereof, or any interest therein which may eventually become a freehold estate, and by any person who has conveyed such land or any such interest therein with covenants of title or warranty. Any two or more persons owning in severalty different portions or different interests of the character above described, in the whole or in different portions thereof, may join in one petition. Two or more defects arising under different mortgages affecting one 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.

Petition under  
1889, 442.

SECTION 2. In a petition under chapter four hundred and forty-two of the acts of the year one thousand eight hundred and eighty-nine, any two or more persons owing in severalty different portions or different interests of the

character described in said act, in the whole or in different portions of such estate as is in said act referred to, may join.

*Approved June 21, 1890.*

AN ACT TO PROMOTE THE ABOLITION OF GRADE CROSSINGS.

*Chap. 428*

*Be it enacted, etc., as follows:*

SECTION 1. Upon petition of the mayor and aldermen of a city or of the selectmen of a town, in which a public way and a railroad cross each other at grade, or of the directors of the railroad company, setting forth that the petitioners are of the opinion that it is necessary for the security and convenience of the public that an alteration should be made in such crossing, in the approaches thereto, in the location of the railroad or public way, or in the grades thereof, so as to avoid a crossing at grade, or that such crossing should be discontinued with or without building a new way in substitution therefor, — the superior court, or any justice thereof sitting in equity for the county in which such crossing or a portion thereof is situated, after such notice by public advertisement or otherwise as the court shall deem desirable and a hearing, may in its discretion appoint a commission of three disinterested persons.

Upon petition and hearing, superior court may appoint a commission.

SECTION 2. A petition under the preceding section may embrace several crossings, or by order of the court several separate petitions may be consolidated and heard as one.

Petition for several crossings, etc.

SECTION 3. The members of the said commission shall meet as soon as may be after receiving notice of their appointment; and if, after due notice and hearing, the commission decide that the alterations are necessary for the security and convenience of the public, it shall prescribe the manner and limits within which such alterations shall be made and shall determine which party shall do the work, or shall apportion the work to be done between the railroad companies and the city or town. The railroad companies shall pay sixty-five per centum of the total actual cost of the alterations, including in such cost the cost of the hearing and the compensation of the commissioners and auditors for their services, and all damages including those mentioned in section five of this act; and the said commission shall apportion the remaining thirty-five per centum of said cost between the Commonwealth

Commission to prescribe the alterations and to apportion the work.

Apportionment of cost of alterations.

Provisos.

and the city or town in which the crossing or crossings are situated; *provided, however*, that not more than ten per centum of such cost shall be apportioned to such city or town; *provided, further*, that the Commonwealth shall not be charged any part of the expenses of abolishing grade crossings which are established after the passage of this act.

Discontinuance of public way; grade of way or railroad.

SECTION 4. If the commission decide that any portion of an existing public way should be discontinued it shall so specify, and it shall further specify the grades for the railroad and the public way or ways and the general method of construction, and also what land or other property it deems necessary to be taken: *provided, however*, that if such decision involves a change in the grade of the railroad, the consent of the directors of the company to such change of grade shall first be obtained. Said commission shall forthwith return said decision into the said superior court. The decree of the court confirming the decision of the commission shall be final and binding.

Change in location of railroad or public way.

If the commission decides that the location of the railroad or of the public way shall be changed, the decree of the court confirming such decision shall constitute a taking of the specified land or other property; and it shall be the duty of the clerk of said court, within thirty days after the making of said decree, to cause a copy of such decision and decree to be filed with the county commissioners of the county or counties in which the land or other property taken and the crossing are situated, and also to be recorded in the registry of deeds for the counties and districts in which such land, property and crossings are situated, and also to be filed with the auditor of the Commonwealth. Said taking shall be deemed to be a taking by the city or town if the land is to be used for a public way, or by the railroad company if the land is to be used by the railroad.

Damages.

SECTION 5. All damages sustained by any person in his property by the taking of land for, or by the alterations of the grade of, a public way shall primarily be paid by the city or town; and all damages occasioned by the taking of land for the railroad shall primarily be paid by the railroad company; and in case the parties interested cannot agree upon said damages, the city, town, railroad company or other party may have the damages determined by a jury at the bar of the superior court for the county wherein the property and crossing are situated, on petition,



brought within one year after the day of the date of the decree of the court confirming the decision of said commission, by either of said parties, in the same manner and under like rules of law as damages may be determined when occasioned by the taking of land for the locating and laying out of railroads and public ways, respectively, in such city or town.

SECTION 6. After the completion of the work the crossing and its approaches shall be maintained and kept in repair as follows: — When the public way crosses the railroad by an overhead bridge, the framework of the bridge and its abutments shall be maintained and kept in repair by the railroad company, and the surface of the bridge and its approaches shall be maintained and kept in repair by the town or city in which the same are situated. When the public way passes under the railroad, the bridge and its abutments shall be maintained and kept in repair by the railroad company, and the public way and its approaches shall be maintained and kept in repair by the town or city in which they are situated.

Maintenance of crossing and approaches.

SECTION 7. The court shall appoint an auditor, who shall be a disinterested person, not an inhabitant of the city or town in which the crossing is situated, to whom shall from time to time be submitted all accounts of expense, whether incurred by the railroads, city, town, commission or auditor, who shall audit the same and make report thereon to the court; which auditing, when accepted by the court, shall be final. The compensation of the auditor shall be determined in accordance with the provisions of law relative to the compensation of auditors appointed by the superior court in civil cases. Said court from time to time shall issue its decrees for payments on the part of the railroad corporations, or of the Commonwealth, or of the city or town, not exceeding their respective proportions determined as aforesaid of the expense as found by the auditor.

Auditor, duties, compensation.

SECTION 8. The superior court, or any justice thereof sitting in equity in any county, shall have jurisdiction to compel compliance with this act and with the decrees, agreements and decisions made thereunder; and may issue and enforce such interlocutory decrees and orders as justice may require; and it shall be the duty of the attorney-general or his assistants to appear and represent the Commonwealth in all suits and proceedings arising under this act. Service of the petition and all notices or processes

Superior court to have jurisdiction to compel compliance with this act, etc.

may be made upon the Commonwealth by leaving an attested copy in the hands or in the office of the attorney-general.

Proceedings when aldermen or selectmen and directors agree as to the alterations to be made at a grade crossing.

SECTION 9. If the board of aldermen of a city or the selectmen of a town in which a public way and a railroad cross each other, and the board of directors of the railroad company, are of opinion that it is necessary for the security and convenience of the public that alterations should be made in such crossing, in the approaches thereto, in the location of the railroad or public way, or in the grades thereof, or in a bridge at such crossing, or that such crossing should be discontinued with or without building a new way in substitution therefor, and if they agree as to the alterations which should be made, an instrument in writing signed in behalf of a city by the mayor, on being thereto duly authorized by the board of aldermen, or in behalf of a town by the chairman of the selectmen, on being thereto duly authorized by the board of selectmen, and by the president of the railroad company, on being thereto duly authorized by its board of directors, specifying the manner and limits within which the alterations shall be made, and by which party the work shall be done, or how it shall be apportioned between the city or town and the railroad company, the general method of construction, the grades for the railroad and the public way or ways, and also what land or other property it is necessary to take, and what portion, if any, of an existing public way is to be discontinued, and how the cost thereof shall be apportioned between the city or town and the railroad company, shall be valid and binding on the city or town and the railroad company, respectively, and have the same force and effect as a decree of the court under the provisions of this act: *provided*, that the board of railroad commissioners, after notice to all parties interested by advertisement and a public hearing, approve of the alterations set forth in the agreement as necessary for the convenience and security of the public. Said approval by the board shall constitute a taking of the land and other property specified in the agreement as necessary to be taken, and it shall be the duty of the clerk of said board, within thirty days after such approval, to cause a copy of the agreement and approval to be filed with the county commissioners of the county or counties in which the land or other property taken and the crossing are situated, and

Subject to approval by railroad commissioners.

also to be recorded in the registry of deeds for the counties and districts in which such land, property and crossing are situated, and also to be filed with the auditor of the Commonwealth. The provisions contained in this act relating to the taking of land under a decree of the court and in relation to the recovery of damages sustained by any person in consequence of such taking, or of the alterations made in pursuance of said decree, shall apply to the taking of land and damages sustained under an agreement between the city or town and the railroad company made as herein provided; except that the petition for the determination of damages may be brought within one year after the date of the approval of such agreement by the board of railroad commissioners. After the completion of the work the crossing and approaches shall be maintained and kept in repair as provided in section six of this act. If the agreement provides for the abolition of a public grade crossing, it shall be the duty of the board of railroad commissioners to keep itself informed of the progress and character of the work and the amounts reasonably expended for work done or for damages, so far as rendered necessary for the abolition of the grade crossing; and for that purpose it may employ any necessary agents, and from time to time as it may deem proper shall issue certified statements of the amount legally and properly expended for such abolition of a grade crossing; and the Commonwealth shall pay to the parties entitled thereto under the agreement twenty per centum of such expenditure.

Land damages.

Railroad commissioners to be informed as to work, damages, etc.

SECTION 10. The amount to be paid under the provisions of this act by the Commonwealth in any one year (the year beginning with the passage of this act), shall not exceed five hundred thousand dollars, and the total amount to be paid by the Commonwealth under the provisions of this act shall not exceed five million dollars; and the treasurer and receiver-general of the Commonwealth shall pay the amount of cost allotted to the state from any money not otherwise appropriated, and is hereby authorized, when requested by the governor and council so to do, to issue and sell bonds from time to time, under such terms and conditions, and with a sinking fund for their redemption, as shall best promote the welfare of the Commonwealth.

Amount to be paid by the Commonwealth.

SECTION 11. Notice shall be filed by the petitioners with the railroad commissioners of the entry of any petition under the provisions of this act; and in case applica-

Railroad commissioners, to be notified, to

decide which petition shall be proceeded with.

tion shall be made for changes in grade crossings, which will require, in the opinion of said commissioners after an examination of the decision of the commission appointed by the court, a larger expenditure in any one year on the part of the Commonwealth than the amount provided for by this act, said railroad commissioners shall have full power to decide, which, if any, of said pending petitions shall be proceeded with during the year; and no decree shall be entered under any such petition until a certificate is filed thereon by the railroad commissioners, that in their judgment, the expenditure on the part of the Commonwealth will not exceed the amount provided for by this act.

Provisions of P. S. 112, §§ 129-130; 1882, 135; 1885, 194; 1887, 295, not to apply.

SECTION 12. The provisions of sections one hundred and twenty-nine to one hundred and thirty-six, inclusive, of chapter one hundred and twelve of the Public Statutes, chapter one hundred and thirty-five of the acts of the year eighteen hundred and eighty-two, chapter one hundred and ninety-four of the acts of the year eighteen hundred and eighty-five and chapter two hundred and ninety-five of the acts of the year eighteen hundred and eighty-seven, so far as they relate to proceedings for the abolition of grade crossings, shall not apply to the provisions of this act: *provided, however*, that nothing in this act shall have effect upon cases pending or upon any right accrued at the time of its passage.

SECTION 13. This act shall take effect upon its passage.

*Approved June 21, 1890.*

**Chap. 429** AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN, AMENDING THE ACT TO INCORPORATE THE BERKSHIRE HEIGHTS WATER COMPANY OF GREAT BARRINGTON, AND TO RATIFY AND CONFIRM THE ORGANIZATION AND CERTAIN ACTS AND DOINGS OF SAID COMPANY.

*Be it enacted, etc., as follows:*

Amendment to 1887, 381, § 1.

SECTION 1. Section four of chapter three hundred and eighty-one of the acts of the year eighteen hundred and eighty-seven is hereby amended to read as follows:—

Town or fire district may purchase franchise and property.

*Section 4.* The said town of Great Barrington, and any fire district that is or may hereafter be established therein, shall have the right at any time during the continuance of the charter hereby granted to purchase the franchise, cor-

porate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said town or such fire district and said corporation: and the said corporation is authorized to make sale of the same to said town or such fire district. In case said corporation and said town or such fire district are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town or such fire district by a two-thirds vote of the voters of said town or such fire district present and voting thereon at a meeting called for that purpose.

SECTION 2. The organization of said Berkshire Heights Water Company shall not be invalid for the reason that its first board of officers was chosen at a meeting not duly called for that purpose and before its capital stock was fully subscribed for: and all the doings of said corporation in relation to the taking of land and of water rights and privileges for its corporate purposes, and in relation to its holding annual meetings, are hereby ratified and confirmed.

Organization and doings of corporation ratified and confirmed.

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

*Approved June 21, 1890.*

AN ACT TO AUTHORIZE THE TOWN OF HINGHAM TO TAKE AND FILL THE MILL POND IN SAID TOWN AND FOR OTHER PURPOSES.

*Chap. 430*

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of filling a part or the whole of the mill pond, so called, in the town of Hingham, said town may take by purchase or otherwise any part or the whole of the said pond and the land or flats in, under or around said pond, and fill and raise the same to such grade as may be deemed necessary or expedient.

May take, fill and grade pond, land and flats.

SECTION 2. For the purpose of altering, improving and regulating the course or flow of any natural stream or streams emptying or discharging into said pond, said town may take by purchase or otherwise such part or the whole of any such streams, and any rights or privileges therein, and such land as may be necessary for the pur-

May take and alter streams.

poses herein set forth, and may alter and deepen the location and flow of any or all such streams as may be necessary and expedient, and may regulate the use of any and all of the same.

To record in registry of deeds a description of property taken, etc.

SECTION 3. The said town shall, within sixty days after the taking of said pond, land, flats, rights or privileges, or any part thereof as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for Plymouth county a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the chairman of the board of selectmen; and the title to said lands or flats when filled, and of such streams and privileges, shall vest in the town of Hingham in fee simple, and may be sold and conveyed by said town in such manner as said town may determine, or may be retained by said town for public uses.

Title to vest in town of Hingham.

May take mill privilege.

SECTION 4. Said town may, for the purpose of removing obstructions to the natural flow of water into and out of said pond, take by purchase or otherwise the mill privilege situated on the borders of said pond.

Damages.

SECTION 5. The said town shall pay all damages sustained by any person in property by the taking and filling of said pond, land, flats or streams, or by the taking of said mill privilege, or by any other thing done by said town under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said town as to the amount of damages sustained, may have damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such pond, land, flats or streams, or the doing of other injury under the authority of this act; but no application shall be made after the expiration of said three years.

To construct and maintain drains.

SECTION 6. The said town shall construct and maintain all necessary drains for the free passage of the water of natural streams now flowing into said mill pond.

Hingham Improvement Loan not to exceed \$50,000.

SECTION 7. 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 fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words Hingham Improve-

ment Loan, shall be payable at the expiration of periods not exceeding twenty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding five per cent. per annum, and shall be signed by the treasurer and countersigned by the selectmen of said town. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

SECTION 8. No such filling shall be commenced or contracts made therefor until plans of the whole work proposed shall have been submitted to and approved by the state board of health and the board of harbor and land commissioners.

Plans subject to approval by state board of health and harbor and land commissioners.

SECTION 9. The said 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.

Sinking fund to be established.

SECTION 10. The said town shall raise annually, by taxation, a sum sufficient to pay 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; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said loan, except in the year in which the same may become due.

To raise by taxation sufficient to pay interest, contribution to sinking fund, etc.

SECTION 11. This act shall take effect upon its acceptance by a majority vote of the legal voters of said town, present and voting thereon at a legal meeting called for that purpose, within three years from the date of its passage; but the number of meetings so called in any year shall not exceed three. *Approved June 21, 1890.*

Subject to acceptance by a majority vote.

AN ACT TO AMEND THE PUBLIC STATUTES CONCERNING FRAUDULENT CONVEYANCES OF REAL ESTATE. *Chap. 431*

*Be it enacted, etc., as follows:*

SECTION 1. Section one hundred and twelve of chapter one hundred and fifty-seven of the Public Statutes is

Amendment to P. S. 157, § 112.

Petition of creditor that estate may be seized and distributed.

hereby amended by striking out the words “within one year”, in the twentieth line of said section, and by inserting after the word “thereafter”, in said line, the words: — or in the case of any such fraudulent conveyance of real estate, within ninety days after the same has been recorded, — so that it shall read as follows: — *Section 112.* If a person arrested on mesne process in a civil action for the sum of one hundred dollars or upwards, founded upon a demand in its nature provable against the estate of an insolvent debtor, has not given bail therein on or before the return day of such process, or has been actually imprisoned thereon for more than thirty days; or if a person whose goods or estate are attached on mesne process in such action founded upon such contract has not before the return day of such process dissolved the attachment in the manner provided by law; or if a person has removed himself or any part of his property from the state, with intent to defraud his creditors; or has concealed himself to avoid arrest, or any part of his property to prevent its being attached or taken on a legal process; or procured himself or his property to be arrested, attached, or taken on any legal process; or made a fraudulent payment, conveyance, or transfer of any part of his property; or, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment, or has stopped or suspended and not resumed payment of his commercial paper within a period of fourteen days; any of his creditors whose claims provable against his estate amount to one hundred dollars may, within ninety days thereafter, or in the case of any such fraudulent conveyance of real estate, within ninety days after the same has been recorded, if the debtor has resided in the state, apply by petition to the judge for the county in which the debtor has last resided for three consecutive months before the application, if he has resided for that time in any county, otherwise to the judge for the county within which he resides or last resided, setting forth the facts and the nature of their claims, verified by oath, and praying that his estate may be seized and distributed according to the provisions of this chapter.

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

*Approved June 21, 1890.*



AN ACT AUTHORIZING THE CITY OF BROCKTON TO APPROPRIATE A SUM OF MONEY FOR THE ERECTION OF A MEMORIAL HALL. *Chap. 432*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Brockton is hereby authorized to appropriate a sum of money, not exceeding forty thousand dollars, for the erection of a memorial hall in said city and the purchase of lands necessary therefor; said building to be used and maintained as a memorial to the soldiers and sailors of the war of the rebellion. May appropriate money for the erection of a memorial hall.

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

*Approved June 21, 1890.*

AT ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS HOMEOPATHIC HOSPITAL, THE HOSPITAL COTTAGES AT BALDWINSVILLE AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. *Chap. 433*

*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, in aid of the Massachusetts homeopathic hospital, the hospital cottages for children at Baldwinsville, and for certain other expenses authorized by law, to wit:— Appropriations.

For the purchase of land and the erection of a coal shed at the state primary school at Monson, a sum not exceeding six hundred dollars, as authorized by chapter sixty-three of the resolves of the present year. State primary school.

For building and repairing fences at the reformatory prison for women, a sum not exceeding one thousand dollars as authorized by chapter sixty-four of the resolves of the present year. Reformatory prison for women.

For a new building at the Lyman school for boys, a sum not exceeding sixteen thousand dollars, as authorized by chapter sixty-five of the resolves of the present year. Lyman school for boys.

For expenses in connection with the extermination of the insect known as the oceria dispar or gypsy moth, a sum not exceeding twenty-five thousand dollars, as authorized by chapter sixty-six of the resolves of the present year, being in addition to the twenty-five thousand dollars authorized by chapter ninety-five of the acts of the present year. Extermination of the gypsy moth.

For the maintenance of industrial schools and for certain repairs at the Massachusetts reformatory, a sum not Massachusetts reformatory.

exceeding eleven thousand five hundred dollars, as authorized by chapter sixty-eight of the resolves of the present year.

Commissioners for the Dudley Indians.

For Charles E. Stevens and Thomas Harrington, commissioners for the Dudley Indians, the sum of four thousand eight hundred and fifty-one dollars and sixty-three cents, as authorized by chapter sixty-nine of the resolves of the present year.

Soldiers' messenger corps.

For the soldiers' messenger corps, a sum not exceeding eight hundred dollars, as authorized by chapter seventy of the resolves of the present year.

Free public libraries.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding five thousand dollars, as authorized by chapter three hundred and forty-seven of the acts of the present year.

Hospital cottages for children.

For the hospital cottages for children in Baldwinsville, in the town of Templeton, a sum not exceeding thirty thousand dollars, as authorized by chapter three hundred and fifty-four of the acts of the present year.

Massachusetts homeopathic hospital.

For the Massachusetts homeopathic hospital, a sum not exceeding sixty thousand dollars, as authorized by chapter three hundred and fifty-eight of the acts of the present year.

Plymouth county probate record.

For arranging and indexing the probate records of the county of Plymouth, a sum not exceeding three hundred and fifty dollars, as authorized by chapter three hundred and sixty-three of the acts of the present year.

State board of health.

For travelling and general expenses of the state board of health, a sum not exceeding one thousand dollars, being in addition to the sixty-eight hundred dollars appropriated by chapter forty-two of the acts of the present year.

Civil actions.

For contingent expenses of civil actions in Commonwealth cases, a sum not exceeding five hundred dollars' as authorized by chapter three hundred and eighty-eight of the acts of the present year, being in addition to the three hundred dollars appropriated by chapter forty-two of the acts of the present year.

Fish and game laws.

For the better maintenance and enforcement of the fish and game laws, a sum not exceeding fourteen thousand five hundred dollars, as authorized by chapter three hundred and ninety of the acts of the present year.

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

*Approved June 21, 1890.*

AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF MARLBOROUGH. *Chap.434*

*Be it enacted, etc., as follows:*

SECTION 1. Section six of chapter three hundred and twenty of the acts of the year eighteen hundred and ninety is hereby amended by inserting after the word "national", in the first line thereof, the word: — state, — so that said section as amended shall read as follows: — *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.

Amendment to 1890, 320, § 6.

Meetings for the election of state officers.

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

*Approved June 21, 1890.*

AN ACT AUTHORIZING THE CITY OF LYNN TO MAKE ORDINANCES PROVIDING FOR THE REGISTRATION AND LICENSING OF PLUMBERS IN SAID CITY OF LYNN. *Chap.435*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Lynn may, by ordinance, require the registration and licensing of all persons who may hereafter do any work of plumbing in connection with the public water service of the city of Lynn or any of the supply pipes thereof, or house or building plumbing connected with said water service; and may thereby prescribe rules for the materials, regulation, construction, alteration and inspection of all pipes, tanks, faucets, valves and other fixtures by and through which the water from said water service is used and carried, and provide that no such pipes, tanks, faucets, valves or other fixtures shall be placed in any building in said city, except in accordance with plans which shall be approved by the public water board of said city or such person or persons as said board shall designate.

Registration and licensing of plumbers in the city of Lynn.

SECTION 2. Said city may fix penalties not to exceed twenty dollars for each violation of said ordinance.

*Approved June 21, 1890.*

AN ACT TO AMEND AN ACT RELATIVE TO THE PRINTING AND DISTRIBUTING OF BALLOTS AT THE PUBLIC EXPENSE. *Chap.436*

*Be it enacted, etc., as follows:*

SECTION 1. Registrars of voters, to whom nomination papers are submitted for certification under the provisions

Number of names to be certified by

registrars of voters.  
1889, 413, § 4.

Designation to be placed against name of candidates.  
1889, 413.

Time of filing certificates of nomination, and nomination papers.  
1889, 413, § 6.

of section four of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine, shall not be required in any event to certify upon any nomination paper a greater number of names than is sufficient to make the nomination under said chapter four hundred and thirteen, with one-fifth of such number added thereto.

SECTION 2. When candidates are nominated otherwise than by political parties which, at the state election next preceding their nomination, polled at least three per centum of the entire vote cast in the state, the name of any party so polling three per centum of such entire vote shall not, under the provisions of said chapter four hundred and thirteen, be used or contained in the party or political designation of candidates so otherwise nominated, except as describing and preceding some other name or term; and in case a nomination is made by a nomination paper, only the words "nomination paper", or abbreviated as "nom. paper", shall be added after such designation, which in such case shall not consist of more than two words.

SECTION 3. Certificates of nomination, under the provisions of said chapter four hundred and thirteen, for the nomination of candidates for state offices to be voted for at large throughout the state, shall hereafter be filed with the secretary of the Commonwealth at least twenty-eight days previous to the day of the election for which the candidates are nominated; and nomination papers for the nomination of such candidates shall be so filed at least twenty-one days previous to the day of the election. Certificates of nomination and nomination papers for the nomination of candidates for all other state offices shall be filed as aforesaid at least eighteen and seventeen days, respectively, previous to the day of the election: *provided, however,* that such certificates and papers for the nomination of candidates for senator or representative to fill a vacancy may be filed, as hereinbefore provided, not less than ten days previous to the election for which the candidate is nominated. Except in the city of Boston, certificates of nomination and nomination papers for the nomination of candidates for all city offices shall hereafter be filed at least eleven and ten days, respectively, previous to the day of the election for which the candidates are nominated; and in the city of Boston such certificates of nomination and nomination papers shall hereafter be

filed at least eighteen and seventeen days, respectively, previous to such day.

SECTION 4. In case a candidate who has been duly nominated, under the provisions of said chapter four hundred and thirteen, shall die before the day of election, the vacancy may be supplied by the political party or other persons making the original nomination, in the manner therein provided for such nomination; or if the time is insufficient therefor, then the vacancy may be supplied, if the nomination was made by a convention or caucus, in such manner as the convention or caucus has previously provided for the purpose, or, in case of no such previous provision, then by a regularly elected general or executive committee representing the political party or persons holding such convention or caucus. The certificates of nomination made for supplying such vacancy shall state, in addition to the other facts required by said chapter, the name of the original nominee, the date of his death, and the measures taken in accordance with the above requirements for filling the vacancy; and it shall be signed and sworn to by the presiding officer and secretary of the convention or caucus, or by the chairman and secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots for the office are not already printed, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished.

SECTION 5. Objections and other questions arising, in accordance with the provisions of section seven of said chapter four hundred and thirteen, in the case of nominations of state officers shall hereafter be considered by the secretary of the Commonwealth, the attorney-general and three other persons to be called ballot-law commissioners, and the decision of a majority of these officers shall be final. The said ballot-law commissioners shall be appointed by the governor with the advice and consent of the council in the month of June or July of each year, and shall hold office for terms of one year beginning with the first day of August. They shall be appointed from different political parties and shall serve without pay; and any vacancy occurring in their number shall be filled by appointment in the same manner for the remainder of the unexpired term. The auditor of the Commonwealth shall

Nomination of candidate to fill a vacancy in case of death.

Board to consider objections in case of nominations of state officers. 1889, 413, § 7.

no longer act in the consideration of such objections and questions.

Caucuses and conventions which are authorized to make nominations, etc. 1889, 413.

SECTION 6. No meeting not called and held on behalf of a political party which polled at least three per centum of the entire vote cast in the state for governor at the annual election next preceding shall constitute a caucus, or shall be authorized to make a nomination or to choose delegates to a nominating convention, under the provisions of said chapter four hundred and thirteen, unless qualified voters of the electoral district or division for which it is called participate and vote therein to the number of twenty-five. A nomination for an electoral district or division other than a representative district, if such district or division contains more than one town, or more than one ward of a city, shall not be made by a caucus, but every such nomination shall be made either by a convention of delegates, or by a nomination paper as provided in said chapter four hundred and thirteen. Any convention of delegates representing a political party which polled at least three per centum of the entire vote cast in the state for governor at the annual election next preceding may make a nomination for any electoral district or division of the state for which it is held.

Number of ballots to be furnished for each voting place. 1889, 413, § 12.

SECTION 7. It shall be sufficient hereafter to furnish in each set of ballots to be provided, under the provisions of section twelve of said chapter four hundred and thirteen, for each voting place at which an election is to be held, a number of ballots not less than sixty for every fifty and fraction of fifty voters registered as in said section set forth.

Certificates, records, etc., to be preserved for one year. 1889, 413.

SECTION 8. In all cases in which requirement is made by the provisions of said chapter four hundred and thirteen that certificates of nomination, nomination papers, records of ballots furnished and receipts therefor shall be preserved, a preservation thereof for the period of one year shall be sufficient.

Time within which objections and withdrawals are to be made. 1889, 413.

SECTION 9. Objections to certificates of nomination and to nomination papers, and withdrawals by candidates from nomination, shall, under said chapter four hundred and thirteen, be made within the seventy-two hours succeeding the last day fixed for the filing of such nomination papers.

Signatures to be made in person.

SECTION 10. All signatures required under said chapter four hundred and thirteen shall be made in person.

SECTION 11. The secretary of the Commonwealth shall furnish partial ballots for the use of voters who are by changes in city or town boundaries authorized by law to vote for members of congress, councillors, senators or representatives in the general court in a city or town other than the one in which they reside. In addition to the official endorsement, there shall be printed on such ballots such words as will clearly indicate the voters for whose use such ballots are furnished, and they shall be furnished to such voters only. *Approved June 23, 1890.*

Ballots for use of persons voting in more than one city or town.

AN ACT RELATIVE TO WAGERING CONTRACTS IN SECURITIES AND COMMODITIES.

Chap.437

*Be it enacted, etc., as follows:*

SECTION 1. In this act securities shall mean and include all evidences of debt or property and options for the purchase and sale thereof, shares in any corporation, joint stock company or association, bonds, coupons, scrip, rights, choses in action, and other evidences of debt or property and options for the purchase or sale thereof. And commodities shall mean and include every thing movable that is bought and sold.

"Securities" and "commodities" defined.

SECTION 2. Whoever contracts to buy or sell upon credit or upon margin any securities or commodities, having at the time of contract no intention to perform the same by the actual receipt or delivery of the securities or commodities, and payment of the price, or whoever employs another so to buy and sell on his behalf, may sue for and recover in an action of contract from the other party to the contract, or from the person so employed, any payment made or the value of anything delivered: *provided*, such other party or other person so employed had reasonable cause to believe that no intention to actually perform existed.

Buying or selling upon margin, etc., without intent to actually deliver, etc.

SECTION 3. When in any case under section two of this act the money or property paid or delivered has been stolen, embezzled or fraudulently or wrongfully used by the payor, the person to whom such money or property rightfully belongs shall be entitled to sue for and recover the same in an action of contract in his own name.

When property has been stolen or embezzled.

SECTION 4. In any proceeding under this act, the fact that the seller or the person employing another to sell in his behalf did not own the securities or commodities at

Parties jointly and severally liable when person did not

own securities, etc., at time of contract of sale, etc.

the time of the contract of sale or at the time of the giving of the order to sell, and the fact that settlements had been made without the actual delivery and receipt of the securities and commodities bought or sold or ordered to be bought or sold, shall each of them be prima facie evidence against both contracting parties and against the person employed by either of the contracting parties to make such contract in his behalf that no intention originally existed to actually receive and deliver the subject of the contracts, and that the contracting parties, the person employed to make such contracts and any employee of them or either of them had reasonable cause to believe that no intention to actually perform existed; and the parties liable to an action under this act shall be jointly and severally liable.

*Approved June 23, 1890.*

**Chap. 438** AN ACT PROVIDING FOR AN APPEAL FROM THE ORDERS OF THE INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

*Be it enacted, etc., as follows:*

Appeal from the orders of the inspection department of the district police.  
1888, 149, 316, 426.

SECTION 1. Any person or corporation aggrieved by the order, requirement or direction of an inspector, given under either of chapters one hundred and forty-nine, three hundred and sixteen or four hundred and twenty-six of the acts of the year eighteen hundred and eighty-eight, may within ten days from the day of the service thereof apply for an injunction against the enforcement of the same to a justice of the superior court; and thereupon, after such notice as the said justice shall order to all parties interested, a hearing may be had before some justice of said court at such early and convenient time and place as shall be fixed by said order, or the said justice may appoint three experts to examine the matter and hear the parties, which experts shall be disinterested persons and skilled in the subject matter of the controversy; and the decision of said court or the majority of said experts in writing, under oath, filed within ten days from the date of such hearing in the clerk's office of said court in the county wherein is the subject of the controversy, may either alter the order, requirement or direction of such inspector, annul it in full or affirm the same. A duly certified copy of said decision, so filed as aforesaid, shall have the same authority, force and effect as the original order of the inspector; and said decision shall have the same authority and effect as the original order, requirement or direction.

Decision of court or experts; certificate required by 1888, 426, § 2 to issue.



If such decision shall annul or alter the order, requirement or direction of the inspector, the court shall also enjoin the said inspector from enforcing his order, requirement or direction, and in every such case the certificate required by section two of chapter four hundred and twenty-six of the acts of the year eighteen hundred and eighty-eight shall thereupon be issued by said justice or by his order or the said experts appointed by said justice.

SECTION 2. The court may award reasonable compensation to experts appointed under the provisions of this act, to be paid by the county in which lies the matter in controversy, providing the appeal is decided against the order of the inspector; and to be paid by the party taking the appeal in case the order of the inspector is sustained.

Compensation of experts.

SECTION 3. If the order, requirement or direction of the inspector is affirmed by the court or experts, costs shall be taxed as in civil cases against the party moving for the injunction, such costs to be paid into the treasury of the county wherein the subject matter lies.

Costs to be taxed as in civil cases.

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

*Approved June 23, 1890.*

AN ACT TO REGULATE THE INCORPORATION OF CLUBS.

*Chap. 439*

*Be it enacted, etc., as follows:*

SECTION 1. Before the secretary of the Commonwealth shall make and issue the certificates provided for in chapter one hundred and fifteen of the Public Statutes, relative to the incorporation of any of the societies named in section two of said chapter, he shall forward a statement to the selectmen of the town or to the mayor and aldermen of the city, except in the city of Boston to the board of police, in the town or city in which such society is to have its principal office or rooms, giving a list of the names of the persons who have asked to be incorporated, the purpose of the organization stated by the applicants, the location proposed to be occupied, and all other facts which may be set forth in the application for incorporation. It shall be the duty of the selectmen or mayor and aldermen, or board of police of the city of Boston, receiving the statement described above from the secretary of the Commonwealth, to immediately make an investigation, inquiring whether any of the proposed incorporators have been engaged in the illegal selling of intoxicating liquors

Statement to be sent to mayor and aldermen or selectmen, etc.

Selectmen, mayor and aldermen, etc., to make investigation and report the facts to the secretary of the Commonwealth.

or in keeping places or tenements used for the purpose of illegal gaming, or whether they have been engaged in any other business or vocation prohibited by law; and the said board shall forthwith make a report to the secretary of the Commonwealth, setting forth all the facts ascertained. If, in the opinion of the secretary of the Commonwealth, it shall appear from the report of said board that the probable purpose of the formation of the proposed organization is to cover any illegal business, then the secretary of the Commonwealth shall refuse to issue his certificate, and the organization shall not be incorporated.

Certificate of incorporation may be refused.

Selectmen, mayor and aldermen, etc., to notify secretary of the Commonwealth of conviction of members of clubs, etc.

SECTION 2. Whenever any person connected with any club or organization hereafter incorporated, described in section two, chapter one hundred and fifteen of the Public Statutes, is convicted of exposing and keeping for sale or of selling intoxicating liquor upon the premises occupied by said club or organization, or of illegal gaming upon said premises, the selectmen of the town or the mayor and aldermen of the city, except in the city of Boston the board of police, within the town or city where such club or organization is situated shall immediately notify the secretary of the Commonwealth, and he shall upon receipt of such notice declare the charter of said club void; and the secretary of the Commonwealth shall publish a notice, in at least one newspaper published in the county where said club or organization is situated, that such incorporation is void and of no further effect.

Charter of club to be declared void.

*Approved June 23, 1890.*

**Chap.440** AN ACT RELATING TO FEES OF SALARIED OFFICERS, TO EXPENSES OF CRIMINAL CASES, OF INQUESTS AND OF COMMITMENT OF THE INSANE.

*Be it enacted, etc., as follows:*

Salaried officers not to be paid fees except, etc.

SECTION 1. Except as specially provided in this act, no officer in attendance on any court, and no sheriff, deputy sheriff, jailer, constable, city marshal, or other police officer who receives a salary or an allowance by the day or hour from the Commonwealth, or from any county, city or town for his official services, shall be paid any fee or extra compensation whatever for any official services rendered or performed by him in any criminal case in which the Commonwealth or any county, city or town is a party interested; nor for aid or assistance rendered to another officer; nor for testifying as a witness in any such

criminal case, during the time for which he receives such salary or allowance; but the expenses of such officers necessarily and actually incurred, and actually disbursed by such officers, in a criminal case tried in the supreme judicial or superior court, shall be paid by the county where the trial is had; in a criminal case tried in any police, district or municipal court, said expenses shall be paid by the city or town in which the offence was committed.

SECTION 2. The fees and expenses of officers, other than those named in section one, in any criminal case tried in the supreme judicial or superior court, shall be paid by the county where the trial is had; and in a criminal case tried in any police, district or municipal court, such fees and expenses shall be paid by the city or town in which the offence was committed. In cases before trial justices such fees and expenses, if not paid by defendants, shall be paid by the county where the trial is had. Payment of fees and expenses of officers.

SECTION 3. Except as provided in this and the following section, no costs, by that name, shall be taxed against a defendant in any criminal proceeding in any court of the Commonwealth; but the presiding justice, before imposing a fine as a penalty or part penalty for the offence committed, shall determine what have been the reasonable and actual expenses of the prosecution, including the services of officers and witnesses and for the detention and support of the defendant; and may impose a fine which shall include the whole or any part of the amount of the expenses so found and determined: *provided*, the fine imposed does not exceed the maximum fine prescribed by law for the offence committed. But where, under existing law, costs may be imposed in addition to the maximum fine, and the presiding justice is of opinion that such fine without the addition of costs is an inadequate penalty for the offence committed, he may impose such maximum fine, and in addition order the defendant to pay the whole or any part of the expenses determined as aforesaid. Costs not to be taxed against defendant, except, etc.

SECTION 4. Where under any provision of existing law a defendant may be discharged upon payment of costs, and where costs are imposed in addition to imprisonment, the presiding justice shall determine the amount of such costs and order payment thereof in like manner as expenses of prosecution are determined in section three of this act. Justice to determine amount of costs to be paid, etc.

Fines to be paid over to treasurers of counties, cities or towns.

SECTION 5. All fines imposed in the superior court, and all fines paid after commitment, shall be paid over to the treasurer of the county in which the trial is had, as now provided by law; or in Suffolk county, to the collector of the city of Boston; and all fines or forfeitures imposed and paid in any district, police or municipal court shall, where no other provision is made by law, be paid to the city or town in which the offence was committed: *provided*, that where the whole or any part of a fine is made by law payable to any complainant or informant, or to any person or corporation as a beneficiary, the court or magistrate may apportion said fine and may order such portion, not exceeding one-half of said fine, as may seem just and equitable, to be paid to such complainant, informant or other beneficiary, and the remainder shall be paid to the county, city or town, as the court shall order.

Proviso.

Payment of witness fees.

SECTION 6. Witness fees to all persons, excepting those mentioned in sections one and nine of this act, shall be paid as now provided by law in the supreme judicial and superior courts; and in district, police and municipal courts, out of any funds paid into the court and returnable to the county, excepting naturalization fees. Clerks, and justices of courts having no clerks, who do not have in their hands and returnable to counties funds sufficient to pay witnesses as herein provided, may make written requisition upon the county treasurer for the same; and thereupon the treasurer shall pay to said clerks or justices not exceeding one hundred dollars in any one month, for which said clerks and justices shall account in their regular settlements with county treasurers and for which they shall be liable upon their official bonds. Any officer named in said section one, when attending as a witness at a place other than his place of residence, shall be allowed per day in lieu of expenses the witness fee in the court or before the trial justice where the witness testifies, and such fee shall be paid like other witness fees. And any police officer on duty at night who attends any sitting of the superior court as a witness for the Commonwealth shall be entitled to and paid the same fees as other witnesses; and any police officer who is a witness for the Commonwealth, and who under the direction of the district-attorney aids in securing the attendance of other witnesses, may receive, in lieu of expenses, the witness fee for one day's attendance; and police officers are

authorized and required to serve subpoenas upon witnesses when requested by the district-attorney, and their returns of service shall have the same force and effect as the return of a deputy sheriff or constable.

SECTION 7. Deputy sheriffs and other officers attending the sittings of the supreme judicial court in a capital trial, or in the superior court for criminal business, who shall serve any subpoena or capias at any time between the daily sittings of said courts, may receive such extra compensation as the attorney-general in the supreme judicial court, and the district-attorney in the superior court, may allow. Any officer named in sections one and two of this act may apply for extra compensation under the provisions of section thirty of chapter one hundred ninety-nine of the Public Statutes. For any extra service performed, all officers shall make return, under oath, of the time actually consumed and of all expenses actually incurred and disbursed in performing such extra service.

Compensation of officers for attending court, etc.  
P. S. 169, § 30.

SECTION 8. In police, district and municipal courts the expenses of all officers named in section one, and the fees and expenses of all other officers, shall be paid at the end of the trial of the case in which such fees and expenses accrued, provided there be in the hands of the clerks, and justices of courts having no clerks, sufficient funds payable to the city or town made by this act liable for the payment of such fees and expenses. All fees and expenses not so paid shall be certified at the end of each month to the treasurer of the city or town liable therefor, and such treasurer shall pay the same to the parties entitled thereto.

Fees and expenses to be paid at the end of the trial of each case.

SECTION 9. The officers mentioned in section one shall receive no fee nor extra compensation for services or as witnesses at any autopsy or inquest, medical or fire, nor in proceedings for commitment of insane persons, but their expenses shall be paid as now provided by law. When it appears in an inquest held under the provisions of section thirteen of chapter twenty-six of the Public Statutes that witnesses summoned by the magistrate or district-attorney are in the employ of the railroad company upon whose railroad the accident under investigation occurred, witness fees may be refused in the discretion of the magistrate. No witness fees shall be paid to railroad police, but any court or trial justice may

Certain officers and witnesses not to be paid fees for services at inquests, etc.  
P. S. 26, § 13.

allow such police their necessary expenses for attendance upon any trial as witnesses for the Commonwealth.

When appeals are taken, etc., record of proceedings to contain details of fees and expenses.

SECTION 10. In all cases where appeals are taken from a district, police or municipal court, or a defendant is held to appear before the grand jury, the copies and record of proceedings sent to the superior court shall contain the details of all fees and expenses allowed or paid in the inferior court.

Reasonable expenses of courts to be paid by counties.

SECTION 11. The reasonable expenses of police, district and municipal courts for rent and care of court rooms, fuel, record books, blanks and stationery, and other expenses incidental to maintaining such courts, shall be certified by the justices thereof quarterly, and transmitted directly to the county commissioners who shall audit the same and order payment thereof to the parties entitled thereto, like other demands against the county.

Penalty.

SECTION 12. Whoever receives any witness fee or extra compensation for services contrary to the true intent and meaning of sections one and nine shall be punished by a fine not exceeding one hundred dollars.

Justice may refuse to allow fees to complainant.

SECTION 13. In all criminal cases, if the justice or magistrate deems the complaint unfounded, frivolous or malicious, said justice or magistrate may refuse to allow any fees to the person or persons making such complaint.

Not to affect proceeding pending, etc.

SECTION 14. This act shall not affect any proceeding pending nor any offence committed prior to its taking effect, nor the fees of trial justices.

Repeal.

SECTION 15. All acts and parts of acts inconsistent with this act are hereby repealed.

To take effect Oct. 1, 1890.

SECTION 16. This act shall take effect on the first day of October in the year eighteen hundred and ninety.

*Approved June 23, 1890.*

**Chap. 441** AN ACT IN ADDITION TO THE ACTS TO PREVENT THE POLLUTION OF SOURCES OF WATER SUPPLY.

*Be it enacted, etc., as follows:*

Supervision of sources of water supply.

SECTION 1. The state board of health shall have the general supervision of all streams and ponds used by a city or town as sources of water supply, with reference to their purity, together with all springs, streams and water-courses tributary thereto; and shall have authority to examine the same from time to time and inquire what pollutions exist and what are their causes.

SECTION 2. Whenever the mayor of a city or the selectmen of a town, using a stream or pond as a source of water supply, complains to said state board of health that manure, excrement, garbage, sewage or any other matter is so deposited, kept or discharged within one hundred feet of the high water mark of any such stream or pond, or any stream, pond, spring or water-course tributary thereto, as to pollute or tend to pollute the waters of such stream, pond, spring or water-course, the said board of health shall appoint a time and place for hearing parties to be affected, and give due notice thereof to such parties; and after such hearing, if in its judgment the public health requires it, may prohibit the deposit, keeping or discharge of any such material as aforesaid, and may order any person to desist therefrom and to remove any such material theretofore deposited; but shall not prohibit the use of any structure as was customary at the time of the passage of this act, unless the mayor of the city or the selectmen of the town making the complaint shall file with said state board of health an agreement in writing that such city or town shall at its own expense make such changes in said structure or its location as said board shall deem expedient, and such agreement shall be binding on such city or town; and when such changes have been made all damages occasioned thereby shall be paid by such city or town; and if the parties cannot agree thereon, such damages shall be determined by a jury on petition of either party filed in the clerk's office of the superior court, in the manner provided by law in relation to determining the damages occasioned by taking land for highways in such city or town; said board shall not prohibit the cultivation and use of the soil in the ordinary methods of husbandry, provided no human excrement be used thereon.

Upon complaint and hearing the state board of health may prohibit pollution, etc.

Damages.

SECTION 3. Any person aggrieved by an order passed under this act may appeal therefrom; and if he shall, within ten days from the service of such order 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 said board of health and the mayor of the city or the chairman of the selectmen of a town interested in such order, be had at the bar of the court in the same manner as other civil cases are tried by jury. If a person by mistake of law or fact

Person aggrieved may apply for a jury.

or by accident fails to appeal from any such order and to file his petition for a jury within ten 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 violated such 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 ten days. During the pendency of the appeal the order of the said board of health shall be complied with unless otherwise authorized by said board after the appeal. The verdict of the jury, which may either alter the order or affirm or annul it in full, when accepted by the court shall have the authority and effect of and may be enforced in the same way as an original order from which no appeal had been taken.

During pendency of appeal order to be complied with.

Injunction may issue to enforce the orders of the state board of health.

SECTION 4. Any court having equity jurisdiction may, in term time or vacation, on the application of said state board of health or of any party interested, by any suitable process or decree in equity, enforce by injunction or otherwise such orders of said board of health or of said court; and may at the same time issue an injunction to restrain, until the orders of said board have been complied with, the use or occupation of the premises within said distance of one hundred feet on which the said material is deposited or kept.

Penalty.

SECTION 5. Whoever deposits, keeps or discharges on his premises any material in violation of such order of prohibition, after the same has been served upon him as aforesaid, shall forfeit a sum not exceeding ten dollars for each and every day until such order is complied with.

Not to impair or repeal existing provisions of law, etc.

SECTION 6. This act shall not be construed to impair or repeal any existing provision of law in regard to the pollution of springs, streams, ponds or water-courses, or the prevention of such pollution, or the powers and jurisdiction of any court relating to the prevention of such pollution; nor shall it be applicable to the Merrimac or Connecticut rivers, nor to so much of the Concord river as lies within the limits of the city of Lowell.

Hearing to be had when pollution exists.

SECTION 7. All hearings granted in accordance with the provisions of this act shall be held in the city or town in which the nuisance or pollution is alleged to exist.

*Approved June 23, 1890.*



AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION  
SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS. Chap. 442

*Be it enacted, etc., as follows:*

SECTION I. 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, . . . . .	Twenty-eight hundred seventeen dollars and fifty cents, . . . . .	\$2,817 50
Bourne, . . . . .	Nine hundred and forty-five dollars, . . . . .	945 00
Brewster, . . . . .	Four hundred and ninety dollars, . . . . .	490 00
Chatham, . . . . .	Six hundred eighty-two dollars and fifty cents, . . . . .	682 50
Dennis, . . . . .	Thirteen hundred twelve dollars and fifty cents, . . . . .	1,312 50
Eastham, . . . . .	Two hundred twenty-seven dollars and fifty cents, . . . . .	227 50
Falmouth, . . . . .	Thirty-nine hundred two dollars and fifty cents, . . . . .	3,902 50
Harwich, . . . . .	Nine hundred and eighty dollars, . . . . .	980 00
Mashpee, . . . . .	One hundred twenty-two dollars and fifty cents, . . . . .	122 50
Orleans, . . . . .	Five hundred forty-two dollars and fifty cents, . . . . .	542 50
Provincetown, . . . . .	Nineteen hundred seven dollars and fifty cents, . . . . .	1,907 50
Sandwich, . . . . .	Eight hundred fifty-seven dollars and fifty cents, . . . . .	857 50
Truro, . . . . .	Two hundred and eighty dollars, . . . . .	280 00
Wellfleet, . . . . .	Six hundred twelve dollars and fifty cents, . . . . .	612 50
Yarmouth, . . . . .	Twelve hundred and ninety-five dollars, . . . . .	1,295 00
		\$16,975 00

BERKSHIRE COUNTY.

Berkshire  
county.

Adams, . . . . .	Thirty-three hundred seventy-seven dollars and fifty cents, . . . . .	\$3,377 50
Alford, . . . . .	Two hundred and forty-five dollars, . . . . .	245 00
Becket, . . . . .	Three hundred and eighty-five dollars, . . . . .	385 00

Berkshire  
county.

## BERKSHIRE COUNTY — CONTINUED.

Cheshire, . . .	Six hundred eighty-two dollars and fifty cents, . . . . .	\$682 50
Clarksburg, . . .	One hundred ninety-two dollars and fifty cents, . . . . .	192 50
Dalton, . . . . .	Seventeen hundred thirty-two dollars and fifty cents, . . . . .	1,732 50
Egremont, . . . . .	Three hundred and eighty-five dollars, . . . . .	385 00
Florida, . . . . .	One hundred and seventy-five dollars, . . . . .	175 00
Great Barrington, . . . . .	Twenty-eight hundred seventeen dollars and fifty cents, . . . . .	2,817 50
Hancock, . . . . .	Three hundred and fifty dollars, . . . . .	350 00
Hinsdale, . . . . .	Six hundred and sixty-five dollars, . . . . .	665 00
Lanesborough, . . . . .	Five hundred seven dollars and fifty cents, . . . . .	507 50
Lee, . . . . .	Twenty-one hundred fifty-two dollars and fifty cents, . . . . .	2,152 50
Lenox, . . . . .	Two thousand and sixty-five dollars, . . . . .	2,065 00
Monterey, . . . . .	Two hundred and ten dollars, . . . . .	210 00
Mt. Washington, . . . . .	Seventy dollars, . . . . .	70 00
New Ashford, . . . . .	Seventy dollars, . . . . .	70 00
New Marlboro', . . . . .	Five hundred and sixty dollars, . . . . .	560 00
North Adams, . . . . .	Fifty-one hundred ninety-seven dollars and fifty cents, . . . . .	5,197 50
Otis, . . . . .	One hundred ninety-two dollars and fifty cents, . . . . .	192 50
Peru, . . . . .	One hundred and five dollars, . . . . .	105 00
Pittsfield, . . . . .	Eighty-eight hundred thirty-seven dollars and fifty cents, . . . . .	8,837 50
Richmond, . . . . .	Four hundred thirty-seven dollars and fifty cents, . . . . .	437 50
Sandisfield, . . . . .	Three hundred thirty-two dollars and fifty cents, . . . . .	332 50
Savoy, . . . . .	One hundred fifty-seven dollars and fifty cents, . . . . .	157 50
Sheffield, . . . . .	Eight hundred and forty dollars, . . . . .	840 00
Stockbridge, . . . . .	Twenty-five hundred seventy-two dollars and fifty cents, . . . . .	2,572 50
Tyringham, . . . . .	Two hundred and ten dollars, . . . . .	210 00
Washington, . . . . .	One hundred and seventy-five dollars, . . . . .	175 00

## BERKSHIRE COUNTY — CONCLUDED.

Berkshire  
county.

W. Stockbridge, . . .	Six hundred twelve dollars and fifty cents, . . . . .	\$612 50
Williamstown, . . .	Sixteen hundred ninety-seven dollars and fifty cents, . . . . .	1,697 50
Windsor, . . . . .	One hundred ninety-two dollars and fifty cents, . . . . .	192 50
		<hr/>
		\$38,202 50

## BRISTOL COUNTY.

Bristol county.

Acushnet, . . . . .	Five hundred seventy-seven dollars and fifty cents, . . . . .	\$577 50
Attleborough, . . .	Thirty-three hundred seventy-seven dollars and fifty cents, . . . . .	3,377 50
Berkley, . . . . .	Four hundred two dollars and fifty cents, . . . . .	402 50
Dartmouth, . . . . .	Eighteen hundred seventy-two dollars and fifty cents, . . . . .	1,872 50
Dighton, . . . . .	Seven hundred seventeen dollars and fifty cents, . . . . .	717 50
Easton, . . . . .	Thirty-seven hundred and forty-five dollars, . . . . .	3,745 00
Fairhaven, . . . . .	Fourteen hundred fifty-two dollars and fifty cents, . . . . .	1,452 50
Fall River, . . . . .	Thirty-nine thousand one hundred and thirty dollars, . . . . .	39,130 00
Freetown, . . . . .	Eight hundred and five dollars, . . . . .	805 00
Mansfield, . . . . .	Twelve hundred and twenty-five dollars, . . . . .	1,225 00
New Bedford, . . .	Thirty thousand three hundred sixty-two dollars and fifty cents, . . . . .	30,362 50
N. Attleborough, . .	Thirty-one hundred sixty-seven dollars and fifty cents, . . . . .	3,167 50
Norton, . . . . .	Seven hundred seventeen dollars and fifty cents, . . . . .	717 50
Raynham, . . . . .	Eight hundred and five dollars, . . . . .	805 00
Rehoboth, . . . . .	Six hundred forty-seven dollars and fifty cents, . . . . .	647 50
Seekonk, . . . . .	Six hundred eighty-two dollars and fifty cents, . . . . .	682 50
Somerset, . . . . .	Nine hundred sixty-two dollars and fifty cents, . . . . .	962 50
Swansey, . . . . .	Six hundred and sixty-five dollars, . . . . .	665 00
Taunton, . . . . .	Fifteen thousand four hundred dollars, . . . . .	15,400 00
Westport, . . . . .	Twelve hundred and twenty-five dollars, . . . . .	1,225 00
		<hr/>
		\$107,940 00

Dukes county.

## DUKES COUNTY.

Chilmark, . . .	Two hundred and ten dollars, . . .	\$210 00
Cottage City, . . .	Eleven hundred and twenty dollars,	1,120 00
Edgartown, . . .	Six hundred and sixty-five dollars, .	665 00
Gay Head, . . .	Seventeen dollars and fifty cents, .	17 50
Gosnold, . . .	One hundred fifty-seven dollars and fifty cents, . . . . .	157 50
Tisbury, . . .	Seven hundred and thirty-five dol- lars, . . . . .	735 00
		\$2,905 00

Essex county.

## ESSEX COUNTY.

Amesbury, . . .	Thirty-six hundred and forty dollars,	\$3,640 00
Andover, . . .	Five thousand ninety-two dollars and fifty cents, . . . . .	5,092 50
Beverly, . . .	Twelve thousand three hundred seventy-two dollars and fifty cents, . . . . .	12,372 50
Boxford, . . .	Five hundred and sixty dollars, . . .	560 00
Bradford, . . .	Fifteen hundred and forty dollars, .	1,540 00
Danvers, . . .	Thirty-four hundred twelve dollars and fifty cents, . . . . .	3,412 50
Essex, . . .	Eight hundred twenty-two dollars and fifty cents, . . . . .	822 50
Georgetown, . . .	Eight hundred ninety-two dollars and fifty cents, . . . . .	892 50
Gloucester, . . .	Eleven thousand four hundred and eighty dollars, . . . . .	11,480 00
Groveland, . . .	Eight hundred and five dollars, . . .	805 00
Hamilton, . . .	Seven hundred and seventy dollars,	770 00
Haverhill, . . .	Fourteen thousand five hundred forty-two dollars and fifty cents, .	14,542 50
Ipswich, . . .	Two thousand and thirty dollars, . .	2,030 00
Lawrence, . . .	Twenty-four thousand four hun- dred eighty-two dollars and fifty cents, . . . . .	24,482 50
Lynn, . . .	Twenty-eight thousand eight hun- dred fifty-seven dollars and fifty cents, . . . . .	28,857 50

## ESSEX COUNTY — CONCLUDED.

Essex county.

Lynnfield, . . .	Four hundred seventy-two dollars and fifty cents, . . .	\$472 50
Manchester, . . .	Sixty-two hundred twelve dollars and fifty cents, . . .	6,212 50
Marblehead, . . .	Thirty-nine hundred and ninety dollars, . . .	3,990 00
Merrimac, . . .	Twelve hundred seven dollars and fifty cents, . . .	1,207 50
Methuen, . . .	Twenty-six hundred seven dollars and fifty cents, . . .	2,607 50
Middleton, . . .	Four hundred seventy-two dollars and fifty cents, . . .	472 50
Nahant, . . .	Forty-nine hundred seventeen dollars and fifty cents, . . .	4,917 50
Newbury, . . .	Nine hundred sixty-two dollars and fifty cents, . . .	962 50
Newburyport, . . .	Seventy-nine hundred and eighty dollars, . . .	7,980 00
North Andover, . . .	Twenty-six hundred seven dollars and fifty cents, . . .	2,607 50
Peabody, . . .	Sixty-three hundred dollars, . . .	6,300 00
Rockport, . . .	Eighteen hundred and fifty-five dollars, . . .	1,855 00
Rowley, . . .	Five hundred and twenty-five dollars, . . .	525 00
Salem, . . .	Twenty-three thousand eight hundred fifty-two dollars and fifty cents, . . .	23,852 50
Salisbury, . . .	Four hundred and ninety dollars, . . .	490 00
Saugus, . . .	Nineteen hundred and ninety-five dollars, . . .	1,995 00
Swampscott, . . .	Thirty-nine hundred two dollars and fifty cents, . . .	3,902 50
Topsfield, . . .	Eight hundred ninety-two dollars and fifty cents, . . .	892 50
Wenham, . . .	Four hundred seventy-two dollars and fifty cents, . . .	472 50
West Newbury, . . .	Eight hundred ninety-two dollars and fifty cents, . . .	892 50
		\$183,907 50

## FRANKLIN COUNTY.

Franklin county.

Ashfield, . . .	Four hundred and twenty dollars, . . .	\$420 00
Bernardston, . . .	Four hundred two dollars and fifty cents, . . .	402 50

Franklin  
county.

## FRANKLIN COUNTY — CONCLUDED.

Buckland, . . .	Four hundred and ninety dollars, . . .	\$190 00
Charlemont, . . .	Three hundred and fifteen dollars, . . .	315 00
Colrain, . . .	Five hundred seven dollars and fifty cents, . . .	507 50
Conway, . . .	Seven hundred dollars, . . .	700 00
Deerfield, . . .	Eleven hundred and twenty dollars, . . .	1,120 00
Erving, . . .	Three hundred and fifteen dollars, . . .	315 00
Gill, . . .	Three hundred and eighty-five dollars, . . .	385 00
Greenfield, . . .	Forty-three hundred ninety-two dollars and fifty cents, . . .	4,392 50
Hawley, . . .	One hundred and forty dollars, . . .	140 00
Heath, . . .	One hundred fifty-seven dollars and fifty cents, . . .	157 50
Leverett, . . .	Two hundred sixty-two dollars and fifty cents, . . .	262 50
Leyden, . . .	One hundred fifty-seven dollars and fifty cents, . . .	157 50
Monroe, . . .	Seventy dollars, . . .	70 00
Montague, . . .	Twenty-seven hundred and sixty-five dollars, . . .	2,765 00
New Salem, . . .	Two hundred sixty-two dollars and fifty cents, . . .	262 50
Northfield, . . .	Seven hundred dollars, . . .	700 00
Orange, . . .	Nineteen hundred and sixty dollars, . . .	1,960 00
Rowe, . . .	One hundred ninety-two dollars and fifty cents, . . .	192 50
Shelburne, . . .	Seven hundred eighty-seven dollars and fifty cents, . . .	787 50
Shutesbury, . . .	One hundred and forty dollars, . . .	140 00
Sunderland, . . .	Three hundred sixty-seven dollars and fifty cents, . . .	367 50
Warwick, . . .	Two hundred sixty-two dollars and fifty cents, . . .	262 50
Wendell, . . .	One hundred and seventy-five dollars, . . .	175 00
Whately, . . .	Four hundred two dollars and fifty cents, . . .	402 50
		\$17,850 00

## HAMPDEN COUNTY.

Hampden  
county.

Agawam, . . .	Ten hundred and eighty-five dollars,	\$1,085 00
Blandford, . . .	Three hundred thirty-two dollars and fifty cents,	332 50
Brimfield, . . .	Four hundred thirty-seven dollars and fifty cents,	437 50
Chester, . . .	Five hundred seventy-seven dollars and fifty cents,	577 50
Chicopee, . . .	Fifty-three hundred and twenty dol- lars,	5,320 00
Granville, . . .	Three hundred thirty-two dollars and fifty cents,	332 50
Hampden, . . .	Three hundred and fifty dollars,	350 00
Holland, . . .	Eighty-seven dollars and fifty cents,	87 50
Holyoke, . . .	Sixteen thousand six hundred seven dollars and fifty cents,	16,607 50
Longmeadow, . . .	Eleven hundred and twenty dollars,	1,120 00
Ludlow, . . .	Seven hundred dollars,	700 00
Monson, . . .	Fifteen hundred twenty-two dollars and fifty cents,	1,522 50
Montgomery, . . .	One hundred twenty-two dollars and fifty cents,	122 50
Palmer, . . .	Twenty-three hundred twenty-seven dollars and fifty cents,	2,327 50
Russell, . . .	Three hundred sixty-seven dollars and fifty cents,	367 50
Southwick, . . .	Four hundred and ninety dollars,	490 00
Springfield, . . .	Thirty-six thousand sixty-seven dol- lars and fifty cents,	36,067 50
Tolland, . . .	One hundred and forty dollars,	140 00
Wales, . . .	Two hundred sixty-two dollars and fifty cents,	262 50
West Springfield, . . .	Three thousand twenty-seven dol- lars and fifty cents,	3,027 50
Westfield, . . .	Fifty-nine hundred sixty-seven dol- lars and fifty cents,	5,967 50
Wilbraham, . . .	Five hundred seventy-seven dollars and fifty cents,	577 50
		\$77,822 50

## HAMPSHIRE COUNTY.

Hampshire  
county.

Amherst, . . .	Twenty-six hundred and twenty- five dollars,	\$2,625 00
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Hampshire  
county.

## HAMPSHIRE COUNTY — CONCLUDED.

Belchertown, . . . . .	Seven hundred fifty-two dollars and fifty cents, . . . . .	\$752 50
Chesterfield, . . . . .	Two hundred sixty-two dollars and fifty cents, . . . . .	262 50
Cummington, . . . . .	Two hundred and eighty dollars, . . . . .	280 00
Easthampton, . . . . .	Twenty-one hundred and thirty-five dollars, . . . . .	2,135 00
Enfield, . . . . .	Seven hundred dollars, . . . . .	700 00
Goshen, . . . . .	One hundred twenty-two dollars and fifty cents, . . . . .	122 50
Granby, . . . . .	Four hundred and twenty dollars, . . . . .	420 00
Greenwich, . . . . .	Two hundred ninety-seven dollars and fifty cents, . . . . .	297 50
Hadley, . . . . .	Nine hundred and ten dollars, . . . . .	910 00
Hatfield, . . . . .	Eight hundred and forty dollars, . . . . .	840 00
Huntington, . . . . .	Four hundred thirty-seven dollars and fifty cents, . . . . .	437 50
Middlefield, . . . . .	Two hundred and forty-five dollars, . . . . .	245 00
Northampton, . . . . .	Eighty-one hundred two dollars and fifty cents, . . . . .	8,102 50
Pelham, . . . . .	One hundred and forty dollars, . . . . .	140 00
Plainfield, . . . . .	One hundred and forty dollars, . . . . .	140 00
Prescott, . . . . .	One hundred fifty-seven dollars and fifty cents, . . . . .	157 50
South Hadley, . . . . .	Sixteen hundred ninety-seven dollars and fifty cents, . . . . .	1,697 50
Southampton, . . . . .	Four hundred thirty-seven dollars and fifty cents, . . . . .	437 50
Ware, . . . . .	Thirty-eight hundred thirty-two dollars and fifty cents, . . . . .	3,832 50
Westhampton, . . . . .	Two hundred twenty-seven dollars and fifty cents, . . . . .	227 50
Williamsburg, . . . . .	Eight hundred twenty-two dollars and fifty cents, . . . . .	822 50
Worthington, . . . . .	Two hundred sixty-two dollars and fifty cents, . . . . .	262 50
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		\$25,847 50

Middlesex  
county.

## MIDDLESEX COUNTY.

Acton, . . . . .	Eleven hundred seventy-two dollars and fifty cents, . . . . .	\$1,172 50
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## MIDDLESEX COUNTY — CONTINUED.

Middlesex  
county.

Arlington, . . .	Forty-seven hundred and sixty dollars.	\$1,760 00
Ashby, . . .	Four hundred and twenty dollars.	420 00
Ashland, . . .	Eleven hundred and fifty-five dollars.	1,155 00
Ayer, . . .	Eleven hundred two dollars and fifty cents.	1,102 50
Bedford, . . .	Seven hundred fifty-two dollars and fifty cents.	752 50
Belmont, . . .	Twenty-eight hundred seventeen dollars and fifty cents.	2,817 50
Billerica, . . .	Sixteen hundred and ten dollars.	1,610 00
Boxborough, . . .	Two hundred and ten dollars.	210 00
Burlington, . . .	Four hundred and twenty dollars.	420 00
Cambridge, . . .	Fifty-four thousand one hundred and eighty dollars.	54,180 00
Carlisle, . . .	Three hundred thirty-two dollars and fifty cents.	332 50
Chelmsford, . . .	Fourteen hundred and seventy dollars.	1,470 00
Concord, . . .	Thirty-two hundred and twenty dollars.	3,220 00
Draent, . . .	Ten hundred and eighty-five dollars.	1,085 00
Dunstable, . . .	Two hundred sixty-two dollars and fifty cents.	262 50
Everett, . . .	Fifty-five hundred twelve dollars and fifty cents.	5,512 50
Framingham, . . .	Sixty-four hundred and seventy-five dollars.	6,475 00
Groton, . . .	Twenty-four hundred and eighty-five dollars.	2,485 00
Holliston, . . .	Thirteen hundred and sixty-five dollars.	1,365 00
Hopkinton, . . .	Nineteen hundred and twenty-five dollars.	1,925 00
Hudson, . . .	Nineteen hundred and sixty dollars.	1,960 00
Lexington, . . .	Twenty-eight hundred fifty-two dollars and fifty cents.	2,852 50
Lincoln, . . .	Fourteen hundred dollars.	1,400 00
Littleton, . . .	Seven hundred dollars.	700 00
Lowell, . . .	Forty-nine thousand nine hundred and ten dollars.	49,910 00
Malden, . . .	Fourteen thousand one hundred twenty-two dollars and fifty cents.	14,122 50
Marlborough, . . .	Fourty-nine hundred dollars.	1,900 00

Middlesex  
county.

## MIDDLESEX COUNTY — CONCLUDED.

Maynard, . . .	Seventeen hundred thirty-two dollars and fifty cents, . . .	\$1,732 50
Medford, . . .	Ninety-one hundred and seventy dollars, . . .	9,170 00
Melrose, . . .	Fifty-one hundred and forty-five dollars, . . .	5,145 00
Natick, . . .	Forty-six hundred two dollars and fifty cents, . . .	4,602 50
Newton, . . .	Twenty-nine thousand eight hundred two dollars and fifty cents, . .	29,802 50
North Reading, .	Four hundred and twenty dollars, .	420 00
Pepperell, . . .	Fifteen hundred and forty dollars, .	1,540 00
Reading, . . .	Twenty-two hundred and five dollars, .	2,205 00
Sherborn, . . .	Seven hundred fifty-two dollars and fifty cents, . . .	752 50
Shirley, . . .	Five hundred and sixty dollars, . .	560 00
Somerville, . . .	Twenty-four thousand one hundred and fifteen dollars, . . .	24,115 00
Stoneham, . . .	Twenty-eight hundred fifty-two dollars and fifty cents, . . .	2,852 50
Stow, . . .	Seven hundred and seventy dollars, .	770 00
Sudbury, . . .	Nine hundred and forty-five dollars, .	945 00
Tewksbury, . . .	Eleven hundred and ninety dollars, .	1,190 00
Townsend, . . .	Nine hundred and ten dollars, . . .	910 00
Tyngsborough, .	Three hundred thirty-two dollars and fifty cents, . . .	332 50
Wakefield, . . .	Thirty-eight hundred and fifteen dollars, . . .	3,815 00
Waltham, . . .	Eleven thousand four hundred and ten dollars, . . .	11,410 00
Watertown, . . .	Six thousand seventy-two dollars and fifty cents, . . .	6,072 50
Wayland, . . .	Thirteen hundred twelve dollars and fifty cents, . . .	1,312 50
Westford, . . .	Ten hundred and fifteen dollars, . .	1,015 00
Weston, . . .	Twenty-one hundred fifty-two dollars and fifty cents, . . .	2,152 50
Wilmington, . .	Five hundred and sixty dollars, . .	560 00
Winchester, . . .	Thirty-nine hundred thirty-seven dollars and fifty cents, . . .	3,937 50
Woburn, . . .	Seventy-five hundred forty-two dollars and fifty cents, . . .	7,542 50
		\$293,440 00

## NANTUCKET COUNTY.

Nantucket  
county.

Nantucket, . . . . .	Twenty-six hundred and twenty-five dollars, . . . . .	\$2,625 00
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## NORFOLK COUNTY.

Norfolk county.

Avon, . . . . .	Four hundred seventy-two dollars and fifty cents, . . . . .	\$472 50
Bellingham, . . . . .	Five hundred and twenty-five dollars, . . . . .	525 00
Braintree, . . . . .	Three thousand twenty-seven dollars and fifty cents, . . . . .	3,027 50
Brookline, . . . . .	Thirty-seven thousand five hundred two dollars and fifty cents, . . . . .	37,502 50
Canton, . . . . .	Thirty-three hundred seven dollars and fifty cents, . . . . .	3,307 50
Cohasset, . . . . .	Forty-two hundred dollars, . . . . .	4,200 00
Dedham, . . . . .	Forty-seven hundred forty-two dollars and fifty cents, . . . . .	4,742 50
Dover, . . . . .	Five hundred and ninety-five dollars, . . . . .	595 00
Foxborough, . . . . .	Twelve hundred forty-two dollars and fifty cents, . . . . .	1,242 50
Franklin, . . . . .	Two thousand and thirty dollars, . . . . .	2,030 00
Holbrook, . . . . .	Twelve hundred and sixty dollars, . . . . .	1,260 00
Hyde Park, . . . . .	Fifty-nine hundred and fifteen dollars, . . . . .	5,915 00
Medfield, . . . . .	Ten hundred and fifteen dollars, . . . . .	1,015 00
Medway, . . . . .	Twelve hundred and twenty-five dollars, . . . . .	1,225 00
Millis, . . . . .	Four hundred and twenty dollars, . . . . .	420 00
Milton, . . . . .	Twelve thousand two hundred thirty-two dollars and fifty cents, . . . . .	12,232 50
Needham, . . . . .	Seventeen hundred sixty-seven dollars and fifty cents, . . . . .	1,767 50
Norfolk, . . . . .	Four hundred and twenty dollars, . . . . .	420 00
Norwood, . . . . .	Two thousand twelve dollars and fifty cents, . . . . .	2,012 50
Quincy, . . . . .	Eighty-five hundred fifty-seven dollars and fifty cents, . . . . .	8,557 50
Randolph, . . . . .	Two thousand eighty-two dollars and fifty cents, . . . . .	2,082 50
Sharon, . . . . .	Ten hundred and fifty dollars, . . . . .	1,050 00
Stoughton, . . . . .	Eighteen hundred and ninety dollars, . . . . .	1,890 00

Norfolk county.

## NORFOLK COUNTY — CONCLUDED.

Walpole, . . .	Fifteen hundred fifty-seven dollars and fifty cents, . . . . .	\$1,557 50
Wellesley, . . .	Forty-seven hundred seventy-seven dollars and fifty cents, . . . . .	4,777 50
Weymouth, . . .	Fifty-four hundred and ninety-five dollars, . . . . .	5,495 00
Wrentham, . . .	Twelve hundred seven dollars and fifty cents, . . . . .	1,207 50
		<hr/>
		\$110,530 00

Plymouth county.

## PLYMOUTH COUNTY.

Abington, . . .	Nineteen hundred and twenty-five dollars, . . . . .	\$1,925 00
Bridgewater, . .	Twenty-one hundred seventeen dollars and fifty cents, . . . . .	2,117 50
Brockton, . . .	Thirteen thousand two dollars and fifty cents, . . . . .	13,002 50
Carver, . . . .	Five hundred and sixty dollars, . . . . .	560 00
Duxbury, . . .	Eleven hundred seventy-two dollars and fifty cents, . . . . .	1,172 50
East Bridgewater,	Fourteen hundred dollars, . . . . .	1,400 00
Halifax, . . . .	Two hundred and ten dollars, . . . . .	210 00
Hanover, . . . .	Ten hundred and fifty dollars, . . . . .	1,050 00
Hanson, . . . .	Five hundred forty-two dollars and fifty cents, . . . . .	542 50
Hingham, . . . .	Thirty-three hundred and ninety-five dollars, . . . . .	3,395 00
Hull, . . . . .	Seventeen hundred and fifteen dollars, . . . . .	1,715 00
Kingston, . . . .	Sixteen hundred ninety-seven dollars and fifty cents, . . . . .	1,697 50
Lakeville, . . . .	Four hundred thirty-seven dollars and fifty cents, . . . . .	437 50
Marion, . . . . .	Eight hundred and five dollars, . . . . .	805 00
Marshfield, . . .	Ten hundred and fifteen dollars, . . . . .	1,015 00
Mattapoisett, . .	Thirteen hundred twelve dollars and fifty cents, . . . . .	1,312 50
Middleborough, .	Twenty-eight hundred seventeen dollars and fifty cents, . . . . .	2,817 50
Norwell, . . . .	Nine hundred and forty-five dollars, . . . . .	945 00
Pembroke, . . . .	Five hundred seventy-seven dollars and fifty cents, . . . . .	577 50

## PLYMOUTH COUNTY — CONCLUDED.

Plymouth  
county.

Plymouth, . . .	Forty-nine hundred fifty-two dollars and fifty cents, . . . . .	\$4,952 50
Plympton, . . .	Two hundred sixty-two dollars and fifty cents, . . . . .	262 50
Rochester, . . .	Four hundred and twenty dollars, . .	420 00
Rockland, . . .	Twenty-one hundred and seventy dollars, . . . . .	2,170 00
Scituate, . . . .	Sixteen hundred and ten dollars, . .	1,610 00
Wareham, . . . .	Fifteen hundred twenty-two dollars and fifty cents, . . . . .	1,522 50
W. Bridgewater,	Eight hundred and seventy-five dol- lars, . . . . .	875 00
Whitman, . . . .	Twenty-four hundred and eighty- five dollars, . . . . .	2,485 00
		<hr/> \$50,995 00

## SUFFOLK COUNTY.

Suffolk county.

Boston, . . . . .	Six hundred forty-five thousand seven hundred sixty-seven dol- lars and fifty cents, . . . . .	\$645,767 50
Chelsea, . . . . .	Sixteen thousand nine hundred and forty dollars, . . . . .	16,940 00
Revere, . . . . .	Thirty-seven hundred and eighty dollars, . . . . .	3,780 00
Winthrop, . . . .	Twenty-four hundred thirty-two dollars and fifty cents, . . . . .	2,432 50
		<hr/> \$668,920 00

## WORCESTER COUNTY.

Worcester  
county.

Ashburnham, . .	Eight hundred and seventy-five dol- lars, . . . . .	\$875 00
Athol, . . . . .	Twenty-four hundred thirty-two dollars and fifty cents, . . . . .	2,432 50
Auburn, . . . . .	Four hundred thirty-seven dollars and fifty cents, . . . . .	437 50
Barre, . . . . .	Twelve hundred and twenty-five dollars, . . . . .	1,225 00
Berlin, . . . . .	Four hundred and twenty dollars, . .	420 00
Blackstone, . . .	Twenty-one hundred fifty-two dol- lars and fifty cents, . . . . .	2,152 50
Bolton, . . . . .	Four hundred and twenty dollars, . .	420 00
Boylston, . . . .	Four hundred thirty-seven dollars and fifty cents, . . . . .	437 50

Worcester  
county.

## WORCESTER COUNTY — CONTINUED.

Brookfield, . . .	Eleven hundred and ninety dollars,	\$1,190 00
Charlton, . . .	Eight hundred and forty dollars,	840 00
Clinton, . . .	Forty-eight hundred twelve dollars and fifty cents,	4,812 50
Dana, . . .	Two hundred and forty-five dollars,	245 00
Douglas, . . .	Eight hundred ninety-two dollars and fifty cents,	892 50
Dudley, . . .	Eight hundred and seventy-five dol- lars,	875 00
Fitchburg, . . .	Twelve thousand nine hundred and eighty-five dollars,	12,985 00
Gardner, . . .	Thirty-five hundred dollars,	3,500 00
Grafton, . . .	Two thousand and sixty-five dollars,	2,065 00
Hardwick, . . .	Twelve hundred forty-two dollars and fifty cents,	1,242 50
Harvard, . . .	Nine hundred and ten dollars,	910 00
Holden, . . .	Nine hundred sixty-two dollars and fifty cents,	962 50
Hopedale, . . .	Eleven hundred seventy-two dol- lars and fifty cents,	1,172 50
Hubbardston, . . .	Six hundred twelve dollars and fifty cents,	612 50
Lancaster, . . .	Twenty-five hundred and ninety dollars,	2,590 00
Leicester, . . .	Eighteen hundred thirty-seven dol- lars and fifty cents,	1,837 50
Leominster, . . .	Thirty-six hundred and seventy-five dollars,	3,675 00
Lunenburg, . . .	Five hundred seventy-seven dollars and fifty cents,	577 50
Mendon, . . .	Five hundred seven dollars and fifty cents,	507 50
Milford, . . .	Forty-three hundred ninety-two dol- lars and fifty cents,	4,392 50
Millbury, . . .	Seventeen hundred and fifteen dol- lars,	1,715 00
New Braintree, . . .	Three hundred sixty-seven dollars and fifty cents,	367 50
North Brookfield, . . .	Seventeen hundred sixty-seven dol- lars and fifty cents,	1,767 50
Northborough, . . .	Eleven hundred thirty-seven dollars and fifty cents,	1,137 50
Northbridge, . . .	Twenty-six hundred and sixty dol- lars,	2,660 00
Oakham, . . .	Two hundred ninety-seven dollars and fifty cents,	297 50

## WORCESTER COUNTY—CONCLUDED.

Worcester  
county.

Oxford, . . .	Twelve hundred forty-two dollars and fifty cents, . . . . .	\$1,242 50
Paxton, . . .	Two hundred twenty-seven dollars and fifty cents, . . . . .	227 50
Petersham, . .	Five hundred and twenty-five dollars,	525 00
Phillipston, . .	Two hundred and forty-five dollars,	245 00
Princeton, . . .	Seven hundred dollars, . . . . .	700 00
Royalston, . . .	Six hundred and thirty dollars, . . .	630 00
Rutland, . . . .	Four hundred and twenty dollars, . .	420 00
Shrewsbury, . .	Eight hundred ninety-two dollars and fifty cents, . . . . .	892 50
Southborough, .	Thirteen hundred forty-seven dol- lars and fifty cents, . . . . .	1,347 50
Southbridge, . .	Twenty-nine hundred twenty-two dollars and fifty cents, . . . . .	2,922 50
Spencer, . . . .	Thirty-seven hundred sixty-two dol- lars and fifty cents, . . . . .	3,762 50
Sterling, . . . .	Seven hundred eighty-seven dollars and fifty cents, . . . . .	787 50
Sturbridge, . . .	Eight hundred and forty dollars, . . .	840 00
Sutton, . . . . .	Eleven hundred and fifty-five dollars,	1,155 00
Templeton, . . .	Ten hundred and eighty-five dollars,	1,085 00
Upton, . . . . .	Seven hundred eighty-seven dollars and fifty cents, . . . . .	787 50
Uxbridge, . . . .	Eighteen hundred and fifty-five dol- lars, . . . . .	1,855 00
Warren, . . . . .	Twenty-two hundred and five dollars,	2,205 00
Webster, . . . . .	Twenty-five hundred and fifty-five dollars, . . . . .	2,555 00
West Boylston, .	Ten hundred and eighty-five dollars,	1,085 00
West Brookfield,	Seven hundred dollars, . . . . .	700 00
Westborough, . .	Twenty-two hundred ninety-two dol- lars and fifty cents, . . . . .	2,292 50
Westminster, . .	Seven hundred dollars, . . . . .	700 00
Winchendon, . .	Seventeen hundred sixty-seven dol- lars and fifty cents, . . . . .	1,767 50
Worcester, . . . .	Fifty-nine thousand and eighty dol- lars, . . . . .	59,080 00
		\$152,040 00

Recapitulation  
by counties.

## RECAPITULATION.

Barnstable Co., .	Sixteen thousand nine hundred and seventy-five dollars, . . . . .	\$16,975 00
Berkshire Co., .	Thirty-eight thousand two hundred two dollars and fifty cents, . . . . .	38,202 50
Bristol Co., .	One hundred seven thousand nine hundred and forty dollars, . . . . .	107,940 00
Dukes Co., .	Twenty-nine hundred and five dollars, . . . . .	2,905 00
Essex Co., .	One hundred eighty-three thousand nine hundred seven dollars and fifty cents, . . . . .	183,907 50
Franklin Co., .	Seventeen thousand eight hundred and fifty dollars, . . . . .	17,850 00
Hampden Co., .	Seventy-seven thousand eight hundred twenty-two dollars and fifty cents, . . . . .	77,822 50
Hampshire Co., .	Twenty-five thousand eight hundred forty-seven dollars and fifty cents, . . . . .	25,847 50
Middlesex Co., .	Two hundred ninety-three thousand four hundred and forty dollars, . . . . .	293,440 00
Nantucket Co., .	Twenty-six hundred and twenty-five dollars, . . . . .	2,625 00
Norfolk Co., .	One hundred ten thousand five hundred and thirty dollars, . . . . .	110,530 00
Plymouth Co., .	Fifty thousand nine hundred and ninety-five dollars, . . . . .	50,995 00
Suffolk Co., .	Six hundred sixty-eight thousand nine hundred and twenty dollars, . . . . .	668,920 00
Worcester Co., .	One hundred fifty-two thousand and forty dollars, . . . . .	152,040 00
		\$1,750,000 00

Treasurer of the  
Commonwealth  
to issue war-  
rants.

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 ninety 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 ninety.

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 ninety; and if the same remains unpaid after the first day of January in the year eighteen hundred and ninety-one 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.

To notify treasurer of delinquent cities and towns.

Warrant of distress may issue against city or town.

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

*Approved June 23, 1890.*

AN ACT PROVIDING FOR THE EXTERMINATION OF THE ENGLISH SPARROW IN THE COMMONWEALTH.

*Chap. 443*

*Be it enacted, etc., as follows:*

SECTION 1. In all cities in the Commonwealth the officers having charge of the public buildings, and in all towns such officers thereof as the selectmen shall designate and appoint, shall take and enforce such reasonable means and use such appliances as in their judgment may be effective for the extermination of the English sparrow therein; but in so doing poisons shall not be used.

Extermination of the English sparrow.

SECTION 2. Any person who shall wilfully resist the persons in any city or town charged with the execution of the provisions of this act, while engaged therein, or who shall knowingly interfere with the means used by them for

Penalty for resistance or interference.

said purpose, to render the same less effective, shall be punished by fine not exceeding twenty-five dollars for each offence.

Officers not to enter on private property without consent.

SECTION 3. Nothing in this act shall be so construed as to allow an officer to enter on private property without consent of the owner or occupant thereof.

*Approved June 28, 1890.*

**Chap.444**

AN ACT TO AMEND AN ACT AUTHORIZING THE CITY OF BOSTON TO INCUR INDEBTEDNESS OUTSIDE OF ITS DEBT LIMIT TO PROCURE AND CONSTRUCT ONE OR MORE PUBLIC PARKS IN THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Amendment to 1890, 271, § 3.

SECTION 1. Section three of chapter two hundred and seventy-one of the acts of the year eighteen hundred and ninety is hereby amended by striking out the words "until after the first day of November in the year eighteen hundred and ninety, and then shall", in the first, second and third lines thereof, so that said section as amended shall read as follows:—*Section 3.* The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of the city of Boston under the provisions of section four of chapter twenty-nine of the Public Statutes as modified and amended by section two of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-five.

May incur indebtedness beyond the limit to procure parks in Charlestown district.  
P. S. 29, § 4.  
1885, 178, § 2.

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

*Approved June 28, 1890.*

**Chap.445**

AN ACT TO PROVIDE FOR THE BUILDING OF AN ASYLUM FOR THE CHRONIC INSANE IN EASTERN MASSACHUSETTS.

*Be it enacted, etc., as follows:*

Commissioners may procure land for an asylum for the chronic insane in eastern Massachusetts.

SECTION 1. The governor with the advice and consent of the counsel is authorized to appoint three persons who shall be a board of commissioners, with full power to purchase or bond, subject to the approval of the governor and council, suitable real estate in the eastern part of the Commonwealth consisting of not less than three hundred acres of land suitable for all sanitary purposes as a site for an asylum for the chronic insane for one thousand patients.

SECTION 2. Said board of commissioners is authorized to procure plans, specifications and estimates for the erection of suitable buildings for said asylum, the first building or buildings to be constructed for five hundred patients and in accordance with a plan for the future extension of the building or buildings to accommodate not less than one thousand patients; also to procure plans, specifications and estimates for a central or administrative building for officers and employees for the care and management of five hundred patients and in accordance with a plan for the future extension of said building for officers and employees for one thousand patients, together with buildings for laundry, kitchen, heating and ventilating purposes on a scale commensurate with the buildings before named. The cost of said land, buildings and all the appurtenances thereto shall not exceed the sum of five hundred dollars per inmate.

May procure plans and estimates.

Cost of land and buildings not to exceed \$500 per inmate.

SECTION 3. The sum of twenty-five thousand dollars is hereby appropriated to purchase said real estate, and five thousand dollars to carry out the other provisions of this act: *provided*, that all contracts and agreements made by the said board concerning the said purchase, plans, specifications and estimates shall be approved by the governor and council.

Appropriations.

Proviso.

SECTION 4. Said board shall prepare a printed report of their proceedings under this act, and submit the same, together with the plans, specifications and estimates in detail, to the next general court.

Report to be made to the general court.

SECTION 5. The members of said board shall receive no compensation for their services, except for their traveling expenses incurred in the performance of their duties as said commissioners.

Compensation.

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

*Approved June 28, 1890.*

AN ACT IN RELATION TO THE EMPLOYMENT OF PERSONS IN PLACES LICENSED FOR THE SALE OF INTOXICATING LIQUORS.

*Chap. 446*

*Be it enacted, etc., as follows:*

Any holder of a license for the sale of intoxicating liquors to be drunk on the premises who shall employ any person under the age of eighteen years to serve such liquors to be drunk upon the premises shall be punished by a fine not exceeding one hundred dollars.

Person under eighteen years of age not to be employed to serve liquors to be drunk on the premises.

*Approved June 28, 1890.*

**Chap.447** AN ACT TO AUTHORIZE CITIES AND TOWNS TO FURNISH RELIEF TO SOLDIERS AND SAILORS AND THE WIDOWS AND MINOR CHILDREN OF SOLDIERS AND SAILORS WHO SERVED IN THE ARMY OR NAVY OF THE UNITED STATES DURING THE WAR OF THE REBELLION.

*Be it enacted, etc., as follows:*

Relief by cities and towns to soldiers and sailors unable to provide maintenance, etc.

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 from all enlistments therein, and who has a legal settlement in a city or town in the Commonwealth, becomes, from any cause except his own criminal or wilful misconduct, poor and entirely or in part unable to provide maintenance for himself, his wife and minor children under the age of sixteen years; or whenever such a person has died and left a widow or such minor children without proper means of support, such person, his wife or widow or such minor children 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 by the mayor and aldermen of such city or the selectmen of such town at the home of the beneficiary, or at such other place as they may deem right and proper. But no beneficiary shall be required to receive such relief at any almshouse or public institution unless the physical or mental condition of such beneficiary shall require it or unless such beneficiary shall choose to do so; the choice to be made in case of a minor by the parent or guardian of such minor. In all printed reports of the expenses for such relief by the cities and towns under this section said expenses shall be designated as soldiers' relief.

Beneficiary not to be required to receive relief in almshouse.

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

*Approved June 28, 1890.*

**Chap.448** AN ACT TO PREVENT AND PUNISH FRAUD IN SALES OF GOODS, WARES AND MERCHANDISE AT PUBLIC OR PRIVATE SALE BY ITINERANT VENDORS, AND TO REGULATE SUCH SALES.

*Be it enacted, etc., as follows:*

"Itinerant vendors" construed.

SECTION 1. The words "itinerant vendors" for the purposes of this act shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business in this state, either in one locality or in travelling from place to place selling goods,

wares and merchandise, and who for the purposes of carrying on such business hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise.

SECTION 2. The provisions of this act shall not apply to sales made to dealers by commercial travellers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, or to hawkers on the streets or peddlers from vehicles.

Not to apply to commercial travellers.

SECTION 3. Every itinerant vendor who shall sell or expose for sale, at public or private sale, any goods, wares and merchandise without state and local licenses therefor, issued as hereinafter provided, shall be guilty of a misdemeanor and shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding sixty days, or by both such fine and imprisonment.

Penalty on vendor for selling without license.

SECTION 4. All persons, both principals and agents, who shall by circular, handbill, newspaper, or in any other manner, advertise any such sales as those referred to in the section last preceding, before proper licenses shall be issued to the vendor, shall be guilty of a misdemeanor and shall be punished by fine not exceeding fifty dollars or imprisonment not exceeding sixty days, or by both such fine and imprisonment.

Penalty for circulating handbills, etc., before obtaining license.

SECTION 5. It shall be the duty of every itinerant vendor, whether principal or agent, before commencing business to take out a state license and local licenses in the manner hereinafter set forth, but nothing herein contained shall affect the right of any municipal corporation to pass such ordinances relative to itinerant vendors as may be permissible under the general law or under their respective charters.

Rights of municipal corporations to establish ordinances, etc.

SECTION 6. Every itinerant vendor desiring to do business in this state shall deposit with the secretary of the Commonwealth the sum of five hundred dollars as a special deposit, and after such deposit, upon application in proper form and the payment of a further sum of twenty-five dollars as a state license fee, the secretary of the Commonwealth shall issue to him an itinerant vendor's license, authorizing him to do business in this state in conformity with the provisions of this act for the term of one year from the date thereof. Every license shall set forth a copy of the application upon which it is granted. Such

Vendor to deposit \$500, with secretary of the Commonwealth.

To pay \$25 as state license fee.

License not to be transferable, etc.

license shall not be transferable, nor give authority to more than one person to sell goods as an itinerant vendor, either by agent or clerk or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business who shall have authority to aid that principal but not to act for or without him.

Application for license to be sworn to, etc.

SECTION 7. All applications for licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interest said business is conducted, and shall be kept on file by the secretary of the Commonwealth; and a record shall be kept by him of all licenses issued upon such applications. All files and records both of the secretary of the Commonwealth and of the respective town or city clerks shall be in convenient form and open for public inspection.

License to be exhibited to clerk of city or town.

SECTION 8. Before selling under said state license every itinerant vendor shall exhibit the same to the clerk of the town or city where he proposes to make sales. And upon payment to said clerk of a further local license fee, to be ascertained in the manner provided in the following section, and the proof of payment of all such other license fees, if any, as are legally chargeable upon local sales, the clerk shall record the said state license in full, shall endorse upon it the words "local license fees paid", and shall affix his official signature together with the date of such endorsement. Any failure to obtain a local license, and for proper endorsements made on the said license, shall be subjected to the same penalty as though no state license had been issued.

Local license fee.

Statement to be made of value of stock, etc.

SECTION 9. Any itinerant vendor before making any sales of such goods, wares and merchandise shall furnish to the clerk of the city or town where any goods, wares and merchandise are kept or to be kept or exposed for sale or sold by him or them, a true statement of the average quantity and value of the stock of goods, wares and merchandise so kept or exposed for sale. The person furnishing such statement shall make oath that the same is true, and said oath may be administered by said clerk or any officer qualified to administer oaths. Such clerk shall thereupon ascertain the amount to be paid for the local license, by a computation based upon the average valuation of such stock of goods, wares and merchandise so kept or exposed for sale, in the ratio and of the rate per

thousand dollars of valuation of the last preceding tax levy made in such city or town; and upon receipt of the amount so fixed and ascertained shall issue to the person filing or furnishing such statement a local license authorizing the sale of such goods, wares and merchandise within the limits of such town or city, which license shall be and continue in force so long as the licensee thereunder shall continuously keep and expose for sale in such city or town such stock of goods, wares and merchandise, except that such license shall in any event terminate and expire on the first day of May next following its date. If the statement required by this section is not filed as aforesaid, the licensing board of the city or town in which such goods are so kept or exposed for sale, or where such itinerant vendor desires to sell such goods, wares and merchandise, shall thereupon fix the sum to be paid for such license, which sum shall be binding upon the parties.

SECTION 10. Whoever neglects or refuses to file the statement required by section nine of this act, or whoever makes a false or fraudulent representation therein, shall be punished by a fine of not less than five dollars nor more than twenty dollars for each and every day that such goods, wares or merchandise are kept or exposed for sale.

Penalty for neglecting to file statement.

SECTION 11. Whenever a person liable therefor, and after demand made by the clerk of the city or town in which he is located, refuses or neglects to pay the license fee provided for in this act, the said clerk may, in his own name but for the use and benefit of such city or town, maintain an action of contract or trustee process therefor in like manner as for his own debt. Police, district and municipal courts and trial justices shall have concurrent jurisdiction with the superior court of such actions and of complaints under section four of this act.

Action of contract, etc., may be maintained for recovery of license fee.

SECTION 12. No itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, receiver, wholesale or manufacturers, or closing out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, unless he shall before so doing state under oath to the secretary of the Commonwealth, either in the original application for a state license or in a supplementary application subsequently filed, and copy on the license all the facts relating to the reasons and character of such special sale so advertised or

Sales of goods damaged by fire, etc.

represented, including a statement of the names of the persons from whom the goods, wares and merchandise were obtained, the date of delivery to the person applying for the license, and the place from which said goods, wares and merchandise were last taken, and all details necessary to exactly locate and fully identify all goods, wares and merchandise to be so sold.

Penalty for false statement in application for license.

SECTION 13. Any false statement in an application, either original or supplementary, for a license, and any failure on the part of any licensee to comply with all the requirements of the last preceding section shall subject said itinerant vendor to the same penalty as if he had no license.

Expiration of license.

SECTION 14. All state licenses issued under this act shall expire by limitation one year from the date thereof, and may be, if so desired, surrendered at any time prior thereto for cancellation.

Upon return or surrender of license, the same to be cancelled.

SECTION 15. Upon the expiration and return or surrender of each state license the secretary of the Commonwealth shall cancel the same, endorse the date of delivery and cancellation thereon, and place the same on file. He shall then hold the special deposit of each licensee hereinbefore mentioned for the period of sixty days, and after satisfying any and all claims made upon the same under the section next following, shall return said deposit or such portion of the same, if any, as may remain in his hands, to the licensee depositing it.

Deposit in hands of the secretary liable to attachment in certain cases.

SECTION 16. Each deposit made with the secretary of the Commonwealth shall be subject, so long as it remains in his hands, to attachment and execution in behalf of creditors whose claims arise in connection with business done in the state, and the secretary of the Commonwealth may be held to answer as trustee, under the trustee process, in any civil action in contract or tort brought against any licensee, and the secretary of the Commonwealth shall pay over under order of court, or upon execution, such sum of money as he may be chargeable with upon his answer or otherwise. Said deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violations of this act, and the clerk of the court in which, or the trial justice by whom, such fine or penalty is imposed shall thereupon notify the secretary of the Commonwealth of the name of the licensee against whom such fine or penalty is adjudged and of the

Deposit liable for payment of fines, etc.



amount of such fine or penalty, and the secretary of the Commonwealth, if he has in his hands a sufficient sum deposited by such licensee, shall pay the sum so specified to said clerk or trial justice, and if the secretary shall not have a sufficient sum so deposited he shall make payment as aforesaid of so much as he has in his hands. All claims upon deposit shall be satisfied after judgment, fine or penalty in the order in which notice of the claim is received by the secretary of the Commonwealth, until all such claims are satisfied or the deposit exhausted, but no notices filed after the expiration of the sixty days limit aforesaid shall be valid. No deposits shall be paid over by the secretary of the Commonwealth to licensees so long as there are any outstanding claims or notices of claims against them, respectively, unless he is satisfied that such claims will not be prosecuted to final judgment or that no fine or penalty will be imposed.

Deposit not to be paid over to licensee until outstanding claims are satisfied.

SECTION 17. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved June 28, 1890.*

Repeal.

AN ACT TO REGULATE SALES OF GOODS, WARES AND MERCHANDISE TAKEN INTO A CITY OR TOWN TO BE SOLD BY AUCTION.

Chap. 449

*Be it enacted, etc., as follows:*

SECTION 1. Section six of chapter sixty-seven of the Public Statutes is hereby amended by adding thereto after the words "is situated", in the fourth line thereof, the following words:—*provided*, that such personal estate does not consist of goods, wares or merchandise which have been brought into a city or town in the Commonwealth by persons engaged in the business of travelling and carrying stocks of goods, wares or merchandise from one city or town to another within the Commonwealth for the purpose of selling the same by auction, — so that said section six as amended hereby shall read as follows:—

Amendment to P.S. 67, § 6.

*Section 6.* An auctioneer may sell by public auction in any place within his county; and when employed by others may sell real or personal estate in any place within the Commonwealth, if such sale is made where such real or personal estate is situated: *provided*, that such personal estate does not consist of goods, wares or merchandise which have been brought into a city or town in the Commonwealth by persons engaged in the business of travelling and carrying stocks of goods, wares or merchandise from one city or town to another within the Com-

Sale by auction of goods, etc., taken into town or city, regulated.

monwealth for the purpose of selling the same by auction. If an auctioneer sells by auction in a place where he is not authorized to sell he shall forfeit fifty dollars.

Sales to be made by a duly licensed auctioneer of the city or town.

SECTION 2. The sales of goods, wares and merchandise which have been brought into a city or town in the Commonwealth for the purpose of being sold by auction, shall be made by auction only by an auctioneer duly licensed in said city or town or in some other city or town within the Commonwealth, and having a regular and established place of business in said city or town where the goods, wares or merchandise are to be sold. And said auctioneer must, if a new resident of the city or town where he has his place of business, receive from the board of mayor and aldermen of the said city or the selectmen of the town a permit to hold sales by auction in said city or town, and said board of mayor and aldermen of the city or the selectmen of the town may require a special license fee for the holding of sales. Any person violating any of the provisions of this section shall be punished by a fine of not more than one hundred dollars.

Special license fee may be required.

Penalties.

SECTION 3. Any person who sells or attempts to sell by auction or who advertises for sale any goods, wares or merchandise in any city or town in the Commonwealth falsely representing or pretending that such goods, wares and merchandise are, in whole or in part, a bankrupt or insolvent stock, or damaged goods, or goods saved from a fire, or making any false statement as to the previous history or character of such goods, wares and merchandise, shall be punished by a fine of not more than one hundred dollars, and shall be further liable in an action of contract to any person purchasing any such goods, wares or merchandise, because of such representation or statement, in a sum of money three times the amount paid for said goods, wares or merchandise. *Approved June 28, 1890.*

**Chap. 450** AN ACT IN FAVOR OF THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

*Be it enacted, etc., as follows:*

Allowance to the Massachusetts State Firemen's Association.

SECTION 1. Before the first day of July in the year eighteen hundred and ninety there shall be allowed and paid out of the treasury of the Commonwealth to the treasurer of the Massachusetts State Firemen's Association the sum of ten thousand dollars. Said sum shall be

paid from the moneys received for taxes from fire insurance companies doing business in the Commonwealth.

SECTION 2. The money so paid to said treasurer shall be known and remain as the firemen's relief fund of Massachusetts, and shall be used as a fund for the relief of firemen, whether members of said association or not, who may be injured while responding to, working at or returning from an alarm of fire, and for the relief of the widows and children of such firemen as may be killed in the line of their duty aforesaid, in such manner and in such sums as a board to consist of seven persons, three of whom shall be appointed by the Massachusetts State Firemen's Association and four of whom shall be appointed by the governor, shall determine; the appointees of the governor not to be members of said association.

To be known as the Firemen's Relief Fund of Massachusetts.

SECTION 3. The treasurer of the Massachusetts State Firemen's Association shall give a bond with good and sufficient sureties to the treasurer of the Commonwealth, in double the sum received by him from said treasurer of the Commonwealth, for the faithful performance of his duties under this act; and shall make a detailed report under oath to the treasurer of the Commonwealth of expenditures of the appropriation made under this act, on or before the fifteenth day of July in the year eighteen hundred and ninety-one.

Treasurer of the association to give bond to the state treasurer.

SECTION 4. The officers and members in active service of all incorporated protective departments acting in concert with fire departments, and any person doing fire duty at the request or upon the order of the authorities of any town having no organized fire department, and any person performing the duties of a fireman in a town having no organized fire department, shall be eligible for benefits from this fund.

Persons eligible to benefits from fund.

SECTION 5. All unexpended moneys received under this act by the said Massachusetts State Firemen's Association shall be returned to the treasurer of the Commonwealth on or before the fifteenth day of July in the year eighteen hundred and ninety-one.

Unexpended monies to be returned to state treasury.

SECTION 6. No part of this ten thousand dollars shall be expended for salaries or any expenses whatever except as this act provides.

Not to be expended for salaries, etc.

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

*Approved June 28, 1890.*

**Chap.451** AN ACT RELATING TO ENGAGEMENTS OF ATTORNEYS IN THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT.

*Be it enacted, etc., as follows:*

Engagements of attorneys in the courts.

An attorney of record in the supreme judicial court or superior court, when actually engaged in the trial of a cause in either of said courts, shall not be obliged to proceed to the trial of any other cause in either of said courts unless it shall appear to the court in any particular case that it is just and reasonable that he should so proceed.

*Approved June 28, 1890.*

**Chap.452** AN ACT PROVIDING FOR THE DISPOSAL OF PROPERTY SEIZED UNDER THE PROVISIONS OF CHAPTER TWO HUNDRED AND EIGHTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND NINETY.

*Be it enacted, etc., as follows:*

Disposal of property seized under provisions of 1890, 284.

All property recovered under the provisions of chapter two hundred and eighty-four of the acts of the year eighteen hundred and ninety shall be held by the officer making the seizure, in such manner as the court issuing the warrant may order, and the court may make such order for the disposal of such property as justice may require.

*Approved July 2, 1890.*

**Chap.453** AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit: —

Refunding certain taxes assessed against savings banks and paid under protest.

For refunding certain taxes assessed against savings banks, on real estate used for banking purposes and paid under protest, the sum of five thousand and forty-nine dollars and thirty-seven cents, as authorized by chapter four hundred and six of the acts of the present year.

Under direction of the governor and council.

For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding twenty thousand dollars, as author-

ized by chapter four hundred and fifteen of the acts of the present year.

For printing laws relating to elections, a sum not exceeding five hundred dollars, as authorized by chapter seventy-two of the resolves of the present year. Election laws.

For printing extra copies of that portion of the report of the state board of health which relates to water supply and sewerage, as authorized by chapter eighty of the resolves of the year eighteen hundred and eighty-nine, a sum not exceeding four thousand dollars, being in addition to the three thousand dollars appropriated by chapter four hundred and seventy-two of the acts of the year eighteen hundred and eighty-nine. Report of state board of health.

For the payment of expenses in connection with the committees of the senate and house of representatives, appointed to investigate certain charges made against members of the present legislature relative to the legislation asked for by the West End Street Railway Company granting permission to build an elevated railroad, the same to include clerk hire, services of stenographers, fees and expenses of witnesses, a sum not exceeding five thousand dollars. Committees to investigate charges, etc.

For printing and stereotyping the supplement to the Public Statutes, as provided for in chapter three hundred and eighty-three of the acts of the year eighteen hundred and eighty-eight, a sum not exceeding seven thousand dollars. Supplement to the Public Statutes.

For the salary and expenses of the deputy sealer of weights and measures, a sum not exceeding eighteen hundred dollars, as authorized by chapter four hundred and twenty-six of the acts of the present year. Deputy sealer of weights and measures.

For providing fire escapes at the state normal school at Westfield, a sum not exceeding fifteen hundred dollars, as authorized by chapter seventy-four of the resolves of the present year. Normal school at Westfield.

For the disposal of sewage at the reformatory prison for women, a sum not exceeding three thousand dollars, as authorized by chapter seventy-five of the resolves of the present year, being in addition to the five thousand dollars appropriated by chapter two hundred and seventy-nine of the acts of the present year. Reformatory prison for women.

For the salary of the commissioner whose duty it shall be to edit the work provided for in chapter seventy-seven of the resolves of the present year, relating to completing Province laws.

the preparation and publication of the province laws, a sum not exceeding ten hundred and fifty dollars; and for such other expenses as may be necessary under said resolve, a sum not exceeding seventy-two hundred dollars.

Asylum for chronic insane.

To provide for building an asylum for the chronic insane in eastern Massachusetts, a sum not exceeding thirty thousand dollars, as authorized by chapter four hundred and forty-five of the acts of the present year.

Massachusetts State Firemen's Association.

For the Massachusetts State Firemen's Association, the sum of ten thousand dollars, as authorized by chapter four hundred and fifty of the acts of the present year.

Compensation of members of house of representatives.

For the compensation of members of the house of representatives, a sum not exceeding thirteen hundred dollars, in accordance with an order of the house adopted June thirtieth in the year eighteen hundred and ninety.

Department of in-door poor.

For salaries and expenses in the department of in-door poor, a sum not exceeding one thousand dollars, being in addition to the thirty-three thousand five hundred dollars appropriated by chapter seventeen of the acts of the present year.

Widow of John S. True.

For the widow of the late John S. True, the sum of seven hundred and fifty-two dollars, as authorized by a resolve of the present year.

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

*Approved July 2, 1890.*

*Chap. 454*

AN ACT TO AUTHORIZE THE WEST END STREET RAILWAY COMPANY TO BUILD ELEVATED RAILROADS.

*Be it enacted, etc., as follows:*

May construct and operate a system of elevated railroads.

SECTION 1. The West End Street Railway Company is hereby authorized from time to time to construct, equip, maintain and operate, as hereinafter provided, a system of elevated railroads in the city of Boston and in the other cities and towns in which it is now authorized to run cars; and may also from time to time extend the system in such cities and towns, and at convenient places connect the tracks of said elevated railroads with the surface or other tracks of said railway company by the construction and use of inclined planes.

Petition for location, with a route plan, to be filed with the board of aldermen, or selectmen.

SECTION 2. Said railway company before commencing the construction of any elevated railroad, or any extension thereof, shall file a petition authorized by its board of directors for the location thereof with the board of aldermen of the city or the selectmen of the town in which it

proposes to construct, equip, maintain and operate an elevated railroad, and with said petition shall file a route plan showing through, across, upon and over what streets, ways, public or private lands it proposes to construct, equip, maintain and operate said railroad, together with a general plan showing the proposed form of construction, including stations and platforms, and whether said railroad is to be single or double tracked, with the desired turnouts, crossovers, inclines and connections. Said petition shall also set forth the grade and gauge of the proposed track, and the height at which the lowest part of the girders supporting the track or structure shall be from the ground, but said company shall not construct an incline to connect the tracks of its surface and elevated roads in any street without leaving free for the passage of vehicles in said street not less than twenty-four feet in addition to sidewalk accommodations.

SECTION 3. The board of aldermen of such city or the selectmen of such town upon the filing of said petition by said railway company, shall give notice thereof to all parties interested, by publication in two or more newspapers, or otherwise as they may determine, at least fourteen days before their meeting, of the time and place at which they will consider such location; and after a hearing the board of aldermen of such city, by a ye and nay vote of two-thirds of the whole number of said board, and the selectmen of such town may grant the same or any portion thereof; but no location shall be valid until it is first approved by the railroad commissioners; and any location thus granted and approved by the railroad commissioners shall be deemed and taken to be the true and permanent location of said elevated railroad and to give said company the right to construct, equip, maintain and operate the same upon filing with said board of aldermen or selectmen a written acceptance thereof by said company, authorized by the directors of said company, together with a copy of the certificate of compliance of the commissioners provided for in section six of this act, and a copy of the certificate of approval of the railroad commissioners as provided in section four of this act: *provided, however*, that nothing in this act contained shall be deemed to confer power to grant a location on Boston common or upon any public park in any city or town; *provided, further*, that such location may be revoked in whole or in part by a vote

Location may be granted.

To be approved by the railroad commissioners.

Provisos.

of the selectmen of such town or by a yea and nay vote of two-thirds of the whole number of the board of aldermen of such city, if approved by the board of railroad commissioners, and upon the payment by such city or town of such damage as may be sustained by the said railway company by reason of such revocation, not including however in such damage the loss of the franchise so revoked. But nothing herein contained shall be deemed a limitation upon the right of the railway company to petition anew for a location that has once been refused, or for a new or other location when a former location or a former petition for a location has been refused or lapsed for any reason, or a limitation upon the right of such aldermen or selectmen to grant the same. Any location granted to said company on which a structure has not been built shall be void unless within five years from the time of granting such location an elevated railroad shall have been constructed and put in operation thereon. In all cases where anything is or may be required or authorized to be done under this act by the board of aldermen by a majority or two-thirds vote the said board shall first act thereon, and such action shall be presented to the mayor for his approval; and the same proceedings shall be had as are provided in section forty-seven of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four.

Railroad to be constructed, etc., within five years.

Plan of location and form of construction to be approved by the railroad commissioners.

SECTION 4. After said railway company shall have obtained an order for the location of an elevated railroad or any extension thereof, as provided in section three of this act, and before proceeding to construct the same, it shall file with the railroad commissioners a plan showing such location and the form of construction proposed, with such details as they may require. Said commissioners shall examine the same, and may employ, at the expense of said railway company, some competent engineer with whom to consult in relation thereto. When said construction plans are satisfactory to said commissioners they shall give a certificate approving the same. If said construction plans as filed are not satisfactory said commissioners may require them to be changed before giving their said certificate of approval. And said railway company upon receiving said certificate of approval and upon complying with the other requirements of this act shall be authorized to construct, equip, maintain and operate said



elevated railroad or any extension thereof, according to said plans so approved. Any structure erected in accordance with said construction plans may be modified or changed in minor details from time to time by said railway company, with the consent of said railroad commissioners, as the public interests may require; and modifications of such details shall be made from time to time whenever said board, after a hearing, decides that the public interests require such modifications.

SECTION 5. The location, construction, equipment, maintenance and operation of elevated railroads authorized by this act, upon, through or over any street or way, shall, as an entirety, be deemed an additional servitude over and above existing easements and servitudes, in or upon said street or way, for which additional servitude any damages caused thereby may be recovered, as herein provided, by the owner of the fee or other estate in that part of any street or way upon, through or over which said elevated railroads may be constructed, and by the owner or lessee of any estate abutting on that part of the street or way upon, through or over which said elevated roads may be constructed. Said railway company, after obtaining the certificate of approval of the railroad commissioners, hereinbefore named, shall file in the office of the secretary of the Commonwealth a copy of such certificate and a copy of the order or orders of location granted by the aldermen or selectmen; and thereupon the governor with the advice and consent of the council shall appoint three disinterested persons as commissioners to estimate the damages and benefits, if any, caused by the location, construction, equipment, maintenance and operation of said elevated roads, to said abutters or other owners or lessees as herein provided. Any vacancies occurring in said commission shall be filled by the governor with the advice and consent of the council. Said commissioners shall examine the property of such abutting or other owners or lessees, and shall notify such owners or lessees thereof in such manner as they may determine, and within six months from the time of their appointment shall file with the secretary of the Commonwealth their estimate, according to their best judgment, of the damages, if any, caused as aforesaid to each parcel of real estate of said abutting and other owners or lessees; less the benefit, if any, to each said parcel of real estate by reason of the

Recovery of damages.

Commissioners to be appointed to estimate damages, etc.

To file estimate of damages with secretary of the Commonwealth.

Corporation to obtain release or give bond for the payment of damages.

location, construction, equipment, maintenance and operation of said elevated roads. And said railway company shall, within one year from the filing of said estimate, obtain from said abutting or other owners or lessees, respectively, as to each parcel, either a release of said damages or their written consent to the location, construction, equipment, maintenance and operation of said road, or shall give a bond to the parties to be designated by said commissioners and in a form to be prescribed, approved and in a sum to be fixed by them, as to each parcel of real estate, for the benefit of the several owners or lessees thereof who shall apply to said commissioners in writing for the same within six months from the filing of said estimate, binding said company to pay the damages that may be recovered against said railway company as herein provided, if said railway company shall thereafter construct said elevated railroad; said bonds to be filed with the secretary of the Commonwealth for the benefit of all parties interested thereunder. And said railway company upon the filing of said estimate shall give notice thereof to said owners and lessees in such manner as said commissioners shall determine. Said railway company shall not be required to furnish a surety upon any of its said bonds unless said commissioners shall, upon a hearing, adjudge that its bonds are insufficient; and if any surety is required to be furnished said commissioners or any one of them may examine and approve said sureties. Said commissioners shall be paid for their services hereunder, including clerk hire and other expenses, such a sum as the governor and council may approve, but not exceeding twelve thousand dollars in any one year, the same to be paid by said railway company. The damages, if any, which may be caused by the location, construction, equipment, maintenance and operation of said elevated railroads shall not be deemed to accrue prior to the date of the filing in the registry of deeds of the acceptance of location and certificate provided for in section six, but no suit shall be brought to recover any damages which may be caused by the location, construction, equipment, maintenance and operation of said road until the expiration of two years after the filing in the office of the secretary of the Commonwealth of the copy of the order of location provided for in this section. After the expiration of said time an action may be brought for damages

Compensation and expenses of commissioners.

Suit for recovery of damages.

as herein provided, and in such action the damages to be recovered shall be for the location, construction, equipment, maintenance and operation of such road as an entirety: *provided, however*, that if said company shall fail to operate said railroad in so much of the street or highway upon which the estate or property abuts, for damages to which the action is brought, such action for damages may be maintained. The owner of the fee or other estate on either side of that part of any street or way upon, through or over which said elevated railroads may be located or constructed, and the owner or lessee of any estate abutting on either side of that part of the street or way upon, through or over which said elevated railroads may be located, constructed, equipped, maintained and operated, which estate is damaged as aforesaid by the location, construction, equipping, maintenance and operation of said elevated railroads, may petition the superior court for the county in which said estate is situated, at any time within two years after the filing in the office of the secretary of the Commonwealth of the copy of the order of location provided for in this section, for the assessment of his or their damages, caused by the location, construction, equipment, maintenance and operation of said elevated railroad, by a jury, and such damages shall be ascertained, determined and recovered as an entirety in the same manner as provided in section one hundred and five of chapter forty-nine of the Public Statutes, and with like allowance by way of set-off for the benefit, if any, to such estate as is provided in section sixteen of said chapter forty-nine. All parties petitioning, interested in any one estate, situated upon the same street, either as owners or lessees, shall join in the same petition and have but one right of action and one recovery for all said parties and for all their damages for the location, construction, equipment, maintenance and operation of said elevated railroads, and said damages shall in such case be assessed and apportioned by the jury in the manner provided in section twenty-two of said chapter forty-nine; and all proceedings hereunder shall conform to sections eighteen to twenty-one inclusive and sections twenty-three to thirty inclusive of said chapter forty-nine and all acts in amendment thereof so far as the same are applicable and not already provided for by this act. No city or town wherein a location for an elevated railroad shall be granted in pursu-

Petition for the assessment of damages.

Recovery of damages by

cities and towns.

ance of this act shall be entitled to recover damages for the location, construction, equipment, maintenance and operation of such railroads, by reason of its ownership of or interest in any public streets, highway, common or park, and the granting of any location in any city or town shall be deemed a waiver thereof by said city or town, but nothing herein contained shall be construed to prevent any city or town from recovering damages for any injury done or caused by the location, construction, equipment, maintenance and operation of such railroad to any other estate or property which such city or town may own abutting on that part of a street or way in, upon or over which said elevated railroad shall be located, constructed, equipped, maintained and operated. And no such city or town shall be liable for any damages resulting from any act or neglect of said company, or resulting directly or indirectly from the granting of any such location, construction, equipment, maintenance and operation of said elevated railroad. When said railway company shall have accepted the first location granted as aforesaid, it shall file with the secretary of the Commonwealth a bond in the sum of five hundred thousand dollars to the cities and towns included in such location, and for their benefit in such amounts respectively as the board of railroad commissioners may determine, for the forfeiture of such amounts if such companies shall not within two years from the acceptance of such location construct ready for operation not less than three miles of single track or one and one-half miles of double track.

Corporation to give a bond for the construction of the railroad.

Commissioners to issue a certificate of compliance.

SECTION 6. When said railway company has obtained a release of damages or the consent in writing of the abutting or other owners, or filed the bonds provided for in section five hereof for the benefit of parties applying for the same as therein provided, the commissioners provided for in section five of this act shall issue a certificate of compliance that said releases or consents have been obtained, or said bonds have been filed, and upon the issuing of said certificate said railway company may, upon and after filing for record in the registry of deeds in each of the counties in which it has obtained a location, a copy of the location and of its acceptance thereof as provided in section three of this act, together with a copy of the certificate of approval of the railroad commissioners as provided in section four of this act, and a copy of the commissioners'

Corporation to file certain papers in the registry of deeds before constructing railroad.

certificate of compliance, as provided in this section, proceed to construct, equip, maintain and operate said elevated railroad.

SECTION 7. After said elevated railroad has been constructed, or any portion thereof, but before the same shall be open for public travel, it shall be examined by said railroad commissioners, or by some competent person to be employed by them for that purpose, but to be paid by said railway company; and if the same has been constructed in accordance with the plans approved by them, and shall be deemed by them to be safe for public travel, they shall give a certificate to said railway company to that effect, which certificate shall be filed for record in the registry of deeds in each of the counties in which said road is constructed, and after such filing for record said railway company shall be authorized to open and maintain the same for public travel.

Construction of railroad to be approved by the railroad commissioners.

SECTION 8. Said corporation may from time to time purchase so much real estate or any right or interest therein, and materials, either within or without the limits of the route fixed, as may be necessary for the proper construction, maintenance, operation and security of said elevated railroad, or as may be at any time necessary for station, depot purposes, power houses, car houses, machine shops or other purposes incident to the use and operation of said road; and, if it is unable to obtain the same by agreement with the owner, it may take the same, with the consent of the board of railroad commissioners, for station and depot purposes, and for the construction and use of inclined planes, as provided in section one, after it has commenced the construction of said elevated railroad as herein provided, by the right of eminent domain, by filing in the registry of deeds for the county where the land lies a declaration of its intention so to do, with a description of the property so taken sufficient for identification; and the damages therefor shall, in case of disagreement with the parties injured by such taking, be ascertained, determined and recovered in the same manner as is now provided in cases where land is taken for highways.

Corporation may purchase or take real estate, etc., for elevated railroad.

SECTION 9. Said railway company shall have the right to cross tide-waters, either upon existing bridges or upon bridges to be constructed wholly or in part by it under the supervision of the harbor and land commissioners, in the same manner as is provided in section eight of chapter

Harbor and land commissioners to supervise the construction of railroad over tide-water.

nineteen of the Public Statutes; any changes or alterations in existing bridges over tide-waters necessary to enable them to be used by said railway company shall be made by and at the expense of said railway company under like supervision; and it shall be subject to the same laws, rules and regulations relating to the opening and closing of draws over tide-waters by the city of Boston as may now or hereafter exist in said city; but said company shall not cross tide-waters except upon ways, highways or bridges now or hereafter existing, without first obtaining the consent of the harbor and land commissioners.

Common stock may be issued to the amount of expenses incurred, etc.

SECTION 10. Said railway company, for the purpose of paying the expenses incurred in constructing and equipping said elevated railroads, and the introduction of electricity thereon, and expenses incident thereto, including in said expenses the payment of all damages provided for by and under this act, the cost of real estate, power plant and buildings required in the maintenance and operation of said elevated roads, together with the engineering and other incidental expenses, may from time to time issue its common stock to the amount of said expenses in the manner now provided in sections fifty-eight and fifty-nine of chapter one hundred and twelve of the Public Statutes; and on furnishing evidence of such expenses satisfactory to the railroad commissioners, they shall from time to time issue certificates permitting such issue of common stock to be made.

Condition of streets to be restored as soon as practicable.

SECTION 11. Whenever said railway company shall make any excavation in or near any public highway, or shall set any foundation, pier or post in or near the same, the surface of the street, sidewalk or other ground shall be restored as soon as practicable to the condition it was in before the excavation was made, as near as may be; and no interference shall be had with, or change made in, water or gas mains, or pipes, sewers, drains or other subterranean works, except with the consent of the board of aldermen of the city or selectmen of the town in which such changes are made, and the railway company shall be at the expense of all such changes.

Subterranean works not to be interfered with, except with concurrence of aldermen.

Cars may be operated by the use of electricity.

SECTION 12. Said railway company may operate its cars by the use of electricity, and may carry its electric wires for the operation of its surface and elevated roads upon or over the elevated structures it is authorized by

this act to erect, and may use such other motive power in the operation of its elevated railroads as the railroad commissioners may from time to time approve.

SECTION 13. Said railway company may acquire by purchase, gift or lease, private lands and rights of way through, across and over private lands, for the purposes herein specified or for purposes necessary for the maintenance and operation of the surface road of said company, and it is hereby authorized to construct and maintain its tracks and elevated structures and run its surface or elevated cars over the same; but it shall be liable for damages, if any, caused to owners of land abutting on that portion of the lines of said elevated railroad which may be constructed on said private lands, by the location, construction, equipment, maintenance and operation of an elevated railroad over said private lands or ways, to be recovered as herein provided for the recovery of damages for the construction, equipment, maintenance and operation of an elevated railroad through, across and over a public way or street.

Corporation may acquire lands and rights of way.

Liability for damages.

SECTION 14. Copies of all locations granted by any city or town as herein provided, certified by the clerk of the city or town granting the same, and copies of all certificates of the railroad commissioners herein authorized, certified by the clerk of the railroad commissioners, and copies of the estimate of damages of the commissioners and certificates granted by and documents filed with them or the secretary of the Commonwealth provided for in sections five and six of this act, certified by the secretary of the Commonwealth, shall be competent evidence in all cases equally with the originals thereof.

Certified copies of documents, etc., to be competent evidence in all cases.

SECTION 15. If said railway company shall fail to file its certificate of acceptance of a location for an elevated railroad within two years from the first day of July in the year eighteen hundred and ninety, or shall fail within two years after the filing of said acceptance to construct ready for operation not less than three miles of single track or one and one-half miles of double track of elevated railroad, all rights hereunder shall cease.

Rights to cease if provisions are not complied with.

SECTION 16. The rate of fare on said elevated road shall not exceed five cents, whether the ride for which the fare is charged be upon the elevated road alone or for a continuous ride in the same car partly upon the elevated road and partly upon the surface road of the said company,

Rates of fare.

and the rate of fare for a transfer to or from a car running partly on the elevated road and partly on the surface road of said company to or from a car running only on the surface road of said company shall not exceed the rate of fare now or hereafter charged for a transfer between the same points to or from cars running only upon the surface road of said company.

Suits for damages.

SECTION 17. Any person entitled under this act to bring a suit for damages, which fails of a sufficient service or return by an unavoidable accident, or which has been brought in the wrong venue, or the writ or petition in which is abated or defeated in consequence of a defect in the form thereof or because the proper parties have not been introduced or the necessary parties joined, or the judgment in which is arrested, after a verdict for the plaintiff, may commence a new suit for the same cause at any time within six months after the abatement or other determination of the original suit; and a person who omits to file his petition for a jury for the assessment of damages as provided by this act within the time provided herein, and who has not received at least sixty days' actual notice of the proceedings whereby he is entitled to such damages, may within six months after the actual construction of the said railroad in so much of the street or highway upon which the estate or property abuts (for damages to which he seeks to recover) file his petition for assessment thereof by a jury in the superior court.

SECTION 18. This act shall take effect upon its passage.

*Approved July 2, 1890.*

**Chap.455** AN ACT MAKING AN APPROPRIATION FOR EXTRA COMPENSATION FOR THE DOORKEEPERS, MESSENGERS AND PAGES OF THE PRESENT LEGISLATURE AND FOR THE CLERK AND MESSENGERS OF THE SERGEANT-AT-ARMS.

*Be it enacted, etc., as follows:*

Appropriation.

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 extra compensation to the doorkeepers, messengers and pages of the present legislature, and to the clerk and messengers of the sergeant-at-arms, to wit:—For the payment of extra compensation to the doorkeepers, messengers and pages of the present legislature, and to the

Doorkeepers, messengers and pages.



clerk and messengers of the sergeant-at-arms, a sum not exceeding thirty-four hundred and sixty-eight dollars, as authorized by a resolve of the present year.

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

*Approved July 2, 1890.*

AN ACT TO REGULATE THE EMPLOYMENT OF LEGISLATIVE COUNSEL AND AGENTS AND TO PROVIDE FOR RETURNS OF LEGISLATIVE EXPENSES.

*Chap. 456*

*Be it enacted, etc., as follows:*

SECTION 1. Every person, private or public corporation or association which employs or agrees to employ any person to act as counsel or agent to promote or oppose in any manner, directly or indirectly, the passage by the general court of any legislation affecting the pecuniary interests of any individual, association or private or public corporation as distinct from those of the whole people of the Commonwealth, or to act in any manner as a legislative counsel or agent in connection with any such legislation, shall, within one week of the date of such employment or agreement therefor, cause the name of the person so employed or agreed to be employed to be entered upon a legislative docket as hereinafter provided; and it shall also be the duty of the person so employed or agreed to be employed to enter or cause to be entered his name upon such docket. Upon the termination of such employment such fact may be entered opposite the name of any person so employed, either by the employer or by the person employed.

Names of legislative counsel and agents to be entered on legislative dockets.

SECTION 2. The sergeant-at-arms of the general court shall prepare and keep two legislative docket books in conformity with the provisions of this act. One of such books shall be known as the docket of legislative counsel before committees, and the other as the docket of legislative agents. In the docket of legislative counsel shall be entered the names of counsel employed to appear at a public hearing before a committee of the general court for the purpose of making an argument or examining witnesses, and also the names of any regular legal counsel of corporations or associations who act or advise in relation to legislation; in the docket of legislative agents shall be entered the names of all agents employed in connection with any legislation included within the terms of section one of this act, and of all persons employed for

Sergeant-at-arms to keep dockets of legislative counsel and agents.

Names, etc., to be entered in docket.

other purposes who render any services as such agents. In such dockets there shall be entered the name and business address of the employer, the name, residence and occupation of the person employed, the date of the employment or agreement therefor, the length of time that the employment is to continue, if such time can be determined, and the special subject or subjects of legislation, if any, to which the employment relates.

Additional entries to be made in dockets.

SECTION 3. Any person, corporation or association employing any legislative counsel or agent shall, from time to time as fast as subjects of legislation are introduced or arise which such counsel or agent is to promote or oppose, make or cause to be made additional entries under his or its name in the appropriate docket, stating such special employment and specifically referring to the petitions, orders, bills or other subjects of legislation to which the same relates, and such entries shall also be made opposite the names of such counsel or agents, in such manner that the entries opposite the name of any employer shall show all the subjects of legislation in relation to which any council or agent is employed by him, and so that the entries opposite the name of every person employed shall show all the subjects of legislation with reference to which such person is employed.

No person to be employed as counsel or agent unless his name is entered.

No person shall be allowed to appear as counsel before any committee of the general court or of either branch thereof, in respect to any legislation coming within the terms of section one of this act, unless his name duly appears upon the docket of legislative counsel as employed in respect to such matter as above provided. No person, private or public corporation or association shall, directly or indirectly, employ any person as legislative counsel or agent in respect to any legislation coming within the terms of section one, unless the name of such person is duly entered on the legislative docket as provided by this act; and no person shall act in any manner as legislative counsel or agent in respect to any legislation coming within the terms of section one of this act, unless his name duly appears upon the legislative docket as herein provided as employed in connection with such legislation. No person shall be employed as a legislative counsel or agent for a compensation dependent in any manner upon the passage or defeat of any proposed legislation or upon any other contingency connected with the action of the general court, or of

either branch thereof, or of any committee thereof. No person whose name is entered on the docket of legislative counsel shall render any service as legislative counsel or agent otherwise than by appearing before a committee, as aforesaid, and by doing work properly incident thereto, or by giving legal advice in the case of regular legal counsel of corporations or associations, unless his name is also entered on the docket of legislative agents.

SECTION 4. The general court may provide by rules or otherwise for further regulating the employment of legislative counsel and agents, for the manner and form of keeping such legislative dockets, and for disbarring any person from employment in the capacity of a legislative counsel or agent, provided that such person be allowed a hearing before a committee or otherwise upon the question of such disbarment and that cause be shown therefor. No person, private or public corporation or association shall employ any person as legislative attorney or agent within the period of three years of his disbarment as above provided. Any person regularly or professionally employed as a legislative agent may cause his name to be entered upon a list of such agents, which shall be kept by the sergeant-at-arms in connection with said docket. When any person is disbarred from employment as a legislative agent, as above provided, his name shall be stricken from such list and shall not again be placed thereon within the period of three years.

General court may regulate the employment of counsel and agents.  
Disbarment.

SECTION 5. The legislative dockets for each year shall be closed upon the prorogation of the general court, and the dockets for the ensuing year shall then be opened.

Time of opening and closing of the dockets.

SECTION 6. Within thirty days of the prorogation of the general court every person, private or public corporation or association, whose name appears upon the legislative dockets of the session as employing any legislative counsel or agent, shall render to the secretary of the Commonwealth a full, complete and detailed statement, sworn to before a justice of the peace by the person making the same, or in the case of a corporation by its president or treasurer, of all expenses paid or incurred by such person, private or public corporation or association, in connection with the employment of legislative counsel or agents, or in connection with promoting or opposing in any manner, directly or indirectly, the passage by the general court of any legislation coming within the terms of section one of

Employers to file a statement of expenses with the secretary of the Commonwealth.

Form of ac-  
counts.

this act. Corporations shall render such accounts in such form as may be prescribed or approved by the commissioner of corporations, and individuals, in such form as may be prescribed or approved by the secretary of the Commonwealth. Such reports when filed shall be open to public inspection.

Penalties.

SECTION 7. Any person, private or public corporation or association which shall violate any provision of this act shall for each offence be fined not less than one hundred dollars nor more than one thousand dollars. Any person who shall act as legislative counsel or agent contrary to the provisions of this act shall be fined not less than one hundred dollars nor more than one thousand dollars, and shall be disbarred from acting in the capacity of a legislative counsel or agent for the period of three years from the date of such conviction. It shall be the duty of the attorney-general, upon information, to bring prosecutions for the violation of the provisions of this act.

Not to affect  
the representa-  
tion of cities  
and towns by  
their solicitors.

SECTION 8. Nothing herein contained shall be construed to affect the employment by any city or town of any city or town solicitor to represent said city or town before the legislature or any of its committees.

*Approved July 2, 1890.*

## RESOLVES.

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RESOLVE AUTHORIZING THE PUBLICATION OF A BULLETIN OF COMMITTEE HEARINGS. *Chap.* 1

*Resolved*, That the committee on rules be authorized to publish twice a week or oftener a bulletin of the matters assigned for hearings before committees, and be authorized to employ clerical assistance at an expense not to exceed five hundred dollars for preparing the same, and to have it printed by the state printers. All bills contracted under this resolve shall be paid on approval of the sergeant-at-arms. Bulletin of committee hearings.

*Approved January 10, 1890.*

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF REVENUE. *Chap.* 2

*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. Treasurer may borrow money in anticipation of revenue.

*Approved January 17, 1890.*

RESOLVE PROVIDING FOR PRINTING FIVE HUNDRED ADDITIONAL COPIES OF THE REPORT OF THE COMMISSIONERS ON INLAND FISHERIES AND GAME. *Chap.* 3

*Resolved*, That there be printed five hundred additional copies of the report of the commissioners on inland fisheries and game for the use of said commissioners. Report of commissioner on inland fisheries and game.

*Approved February 7, 1890.*

*Chap.* 4 RESOLVE TO PROVIDE FOR RE-PRINTING CERTAIN DOCUMENTS DESTROYED BY FIRE.

Documents destroyed by fire.

*Resolved,* That there be re-printed five hundred copies of each of the documents, for the year eighteen hundred and eighty-nine, hereinafter named, for the purpose of enabling the secretary of the Commonwealth to complete the sets of public documents to be distributed under his direction, as provided by chapter four hundred and forty of the acts of the year eighteen hundred and eighty-nine, viz.: —

Report of secretary of the state board of education. Report of librarian of state library. Report of secretary of state board of agriculture. Report of treasurer and receiver-general. Report of auditor of accounts. Report of adjutant-general. Report of savings bank commissioners. Report of insurance commissioner, fire and marine, and life. Abstract of returns of corporations. Report of harbor and land commissioners. Report of attorney-general. Report of board of commissioners of prisons. Report of railroad commissioners. Report of tax commissioner. Report of state board of health. Report of state board of lunacy and charity. Report of trustees of state primary and reform schools.

*Approved February 7, 1890.*

*Chap.* 5 RESOLVE IN FAVOR OF PATRICK BUCKLEY.

Annuity to Patrick Buckley.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to Patrick Buckley of North Adams, an annuity of one hundred and twenty-five dollars, for the term of five years, for injuries sustained at the Hoosac tunnel while in the employment of the Commonwealth.

*Approved February 7, 1890.*

*Chap.* 6 RESOLVE PROVIDING FOR THE PRINTING OF ONE THOUSAND EXTRA COPIES OF THE REPORT OF THE COMMISSIONER ON PUBLIC RECORDS OF PARISHES, TOWNS AND COUNTIES.

Report of commissioner on public records, etc.

*Resolved,* That one thousand extra copies of the second report of the commissioner on public records of parishes, towns and counties be printed, to be distributed under the direction of said commissioner.

*Approved February 7, 1890.*

RESOLVE IN FAVOR OF THE ADMINISTRATRIX OF THE ESTATE OF *Chap. 7*  
 JOSHUA L. D. BOWERMAN.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the administratrix of the estate of Joshua L. D. Bowerman, the sum of seven hundred and eighty-one dollars, being the amount to which said Bowerman would have been entitled had he lived to perform the duties as a member of the house of representatives, to which he had been elected and qualified, for the year eighteen hundred and eighty-nine.

Administratrix  
of estate of  
Joshua L. D.  
Bowerman.

*Approved February 7, 1890.*

RESOLVE PROVIDING FOR THE PAYMENT OF SEWER ASSESSMENTS *Chap. 8*  
 ON THE PROPERTY OF THE COMMONWEALTH IN THE CITY OF  
 WORCESTER.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the city of Worcester, the sum of one hundred and twenty-seven dollars and sixty-eight cents, for sewer assessment on account of land held by the trustees of the Worcester lunatic hospital, belonging to the Commonwealth; and the further sum of four hundred and ninety-three dollars and seventy-four cents, for sewer assessment on account of land occupied by the state normal school in the city of Worcester, belonging to the Commonwealth.

Allowance for  
the payment of  
sewer assess-  
ments on state  
property in the  
city of  
Worcester.

*Approved February 12, 1890.*

RESOLVE IN FAVOR OF JOHN COWAN. *Chap. 9*

*Resolved*, That John Cowan of Boston, who served in the war of the rebellion as chaplain in the sixth regiment of heavy artillery, New York volunteers, from the first day of July in the year eighteen hundred and sixty-four until the nineteenth day of July in the year eighteen hundred and sixty-five, who was a citizen of the Commonwealth of Massachusetts at the date of his enlistment, shall, from and after the first day of January of the present year, be eligible to receive military aid under the provisions, rules and limitations of the laws relating thereto, in the same manner and to the same extent that he would have been eligible had he served to the credit of Massachusetts.

John Cowan  
eligible to re-  
ceive military  
aid.

*Approved February 12, 1890.*

*Chap. 10*

Henry J. Gibson eligible to receive state or military aid.

## RESOLVE IN FAVOR OF HENRY J. GIBSON. \*

*Resolved*, That Henry J. Gibson, who served in the war of the rebellion as a member of company B, first regiment of heavy artillery, New Hampshire volunteers, from the nineteenth day of September in the year eighteen hundred and sixty-three until the eleventh day of September in the year eighteen hundred and sixty-five, and who was then and is now a citizen of this Commonwealth, shall, from and after the first day of January of the present year, be eligible to receive state or military aid under the provisions, rules and regulations of chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and eighty-nine, 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 February 20, 1890.*

*Chap. 11*

Edwin Webster eligible to receive military aid.

## RESOLVE IN FAVOR OF EDWIN WEBSTER.

*Resolved*, That Edwin Webster, who served in the United States navy during the war of the rebellion as an acting assistant paymaster, shall, from and after the first day of January in the year eighteen hundred and ninety, be eligible to receive military aid under the provisions, rules and regulations of chapter two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, 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 February 20, 1890.*

*Chap. 12* RESOLVE RELATING TO THE ELEVENTH CENSUS OF THE UNITED STATES.

Chief of the bureau of statistics of labor may be appointed state supervisor of the United States census.

*Resolved*, That the chief of the bureau of statistics of labor be and he is hereby authorized to accept the appointment of supervisor, for this state, of the eleventh census of the United States; and that in the prosecution of the duties pertaining to such supervisorship he may use the rooms of said bureau: *provided*, that the provisions of this resolve shall in no way interfere with the work of said bureau.

*Approved February 21, 1890.*



RESOLVE PROVIDING FOR PRINTING ONE THOUSAND EXTRA COPIES OF THE SECOND ANNUAL REPORT OF THE CONTROLLER OF COUNTY ACCOUNTS. *Chap. 13*

*Resolved*, That there be printed one thousand extra copies of the second annual report of the controller of county accounts, without the statistical tables; three hundred copies for the use of the controller and the balance to be distributed by the secretary of the Commonwealth. Extra copies of report of controller of county accounts.  
*Approved February 24, 1890.*

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 14*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the soldiers' home in Massachusetts, the sum of twenty-five thousand dollars, the same to be used towards the maintenance of a home for deserving soldiers and sailors. In favor of the trustees of the soldiers' home in Massachusetts.  
*Approved February 24, 1890.*

RESOLVE IN FAVOR OF MARY A. HALL.

*Resolved*, That Mary A. Hall, widow of James T. B. Hall who was a private in company E, ninth regiment of Vermont volunteer infantry during the war of the rebellion, and was honorably discharged therefrom and has since died, shall, from and after the first day of February in the year eighteen hundred and ninety, 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 husband served to the credit of this Commonwealth. Mary A. Hall eligible to receive state aid.

*Approved February 27, 1890.*

RESOLVE PROVIDING FOR PRINTING EXTRA COPIES OF THE REPORT OF THE COMMISSIONERS ON THE TOPOGRAPHICAL SURVEY OF MASSACHUSETTS. *Chap. 16*

*Resolved*, That there be printed five hundred additional copies of the report of the commissioners on the topographical survey of Massachusetts for the use of said commissioners. Report of commissioners on the topographical survey in Massachusetts.  
*Approved February 27, 1890.*

*Chap. 17*

Bridget F. Mollihan eligible to receive state aid.

## RESOLVE IN FAVOR OF BRIDGET F. MOLLIHAN.

*Resolved.* That Bridget F. Mollihan, widow of Peter Mollihan who was a resident of Lowell, Massachusetts, prior to his enlistment and after his discharge, and died on the sixth day of March in the year eighteen hundred and seventy-five, who served in company G, thirty-third regiment, United States infantry, during the war of the rebellion, shall, from and after the first day of February of the present year, 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, in the same manner and to the same extent she would have been entitled had her late husband served to the credit of this Commonwealth and died of disease resulting from such service.

*Approved March 6, 1890.*

*Chap. 18*

Francis Hegner eligible to receive state aid.

## RESOLVE IN FAVOR OF FRANCIS HEGNER.

*Resolved.* That Francis Hegner of Boston, father of Joseph T. Hegner who served in company B, second regiment, heavy artillery, Massachusetts volunteers, in the war of the rebellion, and is now insane and confined in the state lunatic asylum at Taunton, shall, from and after the first day of February of the present year, 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, in the same manner and to the same extent that he would have been eligible had he received state aid prior to the eleventh day of April in the year eighteen hundred and sixty-seven and had been precluded therefrom by the provisions of the act of that date.

*Approved March 6, 1890.*

*Chap. 19*

In favor of Samuel T. Crosby.

## RESOLVE IN FAVOR OF SAMUEL T. CROSBY.

*Resolved.* That the attorney-general be and he is hereby authorized to make arrangements with Samuel T. Crosby of Hingham for a formal transfer to the Commonwealth of certain ancient manuscripts and documents formerly in said Crosby's possession, claimed and taken possession of by the Commonwealth by a replevin suit. In consideration of said transfer, and the withdrawal of a suit in the superior court for the recovery of the same, the

attorney-general is authorized to pay said Crosby a sum not exceeding three hundred dollars, which sum shall be allowed and paid out of the treasury of the Commonwealth.

*Approved March 6, 1890.*

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

*Chap. 20*

*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 expenditures to the state board of lunacy and charity.

In favor of the Massachusetts charitable eye and ear infirmary.

*Approved March 6, 1890.*

RESOLVE TO CONFIRM THE ACTS OF MELANCTHON W. BURLIN AS A JUSTICE OF THE PEACE.

*Chap. 21*

*Resolved*, That all acts done by Melancthon W. Burlin as a justice of the peace, between the ninth day of November in the year eighteen hundred and eighty-nine and the twenty-second day of January in the year eighteen hundred and ninety, 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.

Melancthon W. Burlin, justice of the peace, acts confirmed.

*Approved March 6, 1890.*

RESOLVE PROVIDING FOR COMPLETING AND FURNISHING THE HOSPITAL ACCOMMODATIONS FOR MEN AND MOVING THE BARN AT THE STATE ALMSHOUSE AT TEWKSBURY.

*Chap. 22*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen thousand five hundred dollars, the same to be expended under the direction of the trustees and superintendent of the state almshouse at Tewksbury, for the following purposes: for completing and furnishing the additional hospital accommodations for men at said almshouse, a sum not exceeding eight thousand five hundred dollars; for the removal and repair of the barn at said almshouse, a sum not exceeding five thousand dollars.

State almshouse at Tewksbury.

*Approved March 10, 1890.*

**Chap. 23**

In favor of  
Lemuel Burr.

RESOLVE IN FAVOR OF LEMUEL BURR.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Lemuel Burr of Cambridge, Massachusetts, the sum of one hundred and fifty dollars, in consideration of his care of and attention to his late mother and aunt, who were members of the Ponkapoag tribe of Indians and were formerly beneficiaries of this Commonwealth.

*Approved March 10, 1890.*

**Chap. 24**

Commission to  
inquire into the  
authenticity of  
the bust in  
Doric hall  
marked Samuel  
Adams.

RESOLVE TO AUTHORIZE THE APPOINTMENT OF A COMMISSION TO INQUIRE INTO THE AUTHENTICITY OF THE BUST IN DORIC HALL MARKED SAMUEL ADAMS.

*Resolved*, That the governor appoint a commission, to consist of three persons, to inquire into the authenticity of the bust in Doric hall marked Samuel Adams, and to report to the next general court whether said bust is rightly named or not. Said commissioners shall serve without pay.

*Approved March 10, 1890.*

**Chap. 25**

Drusilla Eliza  
Allen eligible to  
receive state  
aid.

RESOLVE IN FAVOR OF DRUSILLA ELIZA ALLEN.

*Resolved*, That Drusilla Eliza Allen, widow of the late Frederick B. Allen who served in the United States navy during the war of the rebellion as an acting ensign and who died since his discharge from service, shall, from and after the first day of February of the present year, 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, in the same manner and to the same extent she would have been entitled had her husband served to the credit of this Commonwealth.

*Approved March 10, 1890.*

**Chap. 26**

Levi and Sarah  
H. Guilford  
eligible to re-  
ceive state aid.

RESOLVE IN FAVOR OF LEVI AND SARAH H. GUILFORD.

*Resolved*, That Levi and Sarah H. Guilford of Danvers, Massachusetts, father and mother of four sons who served in the war of the rebellion as follows: John C. Guilford, who was a member of company H, eleventh regiment, infantry, also of company I, first regiment, heavy artillery, Massachusetts volunteers and died at Andersonville on the second day of February in the year eighteen hun-

dred and sixty-five; Charles H. Guilford, who was a member of company H, eleventh regiment, infantry, Massachusetts volunteers and was killed at Gettysburg on the second day of July in the year eighteen hundred and sixty-three; Levi S. Guilford, who was a member of company H, eleventh regiment, infantry, and Jacob O. Guilford, who was a member of company A, thirty-ninth regiment, infantry, Massachusetts volunteers, both of whom have died since their discharge from service, shall, from and after the first day of February of the present year, 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, in the same manner and to the same extent as they would have been entitled had they drawn aid prior to the eleventh day of April in the year eighteen hundred and sixty-seven and had been precluded therefrom by the provisions of that act.

*Approved March 10, 1890.*

RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF PART SECOND OF THE REPORT OF THE INSURANCE COMMISSIONER CONCERNING LIFE INSURANCE.

*Chap. 27*

*Resolved*, That there be printed five hundred additional copies of part second of the report of the insurance commissioner concerning life insurance for the use of said commissioner.

Report of the insurance commissioner.

*Approved March 10, 1890.*

RESOLVE PROVIDING FOR CERTAIN REPAIRS AT THE WORCESTER INSANE ASYLUM.

*Chap. 28*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand dollars, to be expended at the Worcester insane asylum under the direction of the trustees, for the following purposes, to wit: a sum not exceeding ten thousand dollars for repairs, and a sum not exceeding two thousand dollars for the introduction of high service water.

Repairs at the Worcester insane asylum.

*Approved March 19, 1890.*

RESOLVE CONFIRMING THE ACTS OF JOSEPH O. PROCTER AS A JUSTICE OF THE PEACE.

*Chap. 29*

*Resolved*, That all acts done by Joseph O. Procter of Gloucester in the county of Essex as a justice of the

Joseph O. Procter, justice of the peace, acts confirmed.

peace, between the eighteenth day of April in the year eighteen hundred and eighty-five and the twenty-eighth day of October in the year eighteen hundred and eighty-nine, are hereby confirmed and made valid to the same extent as though he had been qualified during that time to discharge the duties of said office.

*Approved March 19, 1890.*

**Chap. 30** RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF CERTAIN VOLUMES OF THE ACTS AND RESOLVES OF THE PROVINCE OF THE MASSACHUSETTS BAY.

Additional copies of the acts and resolves of the Province of the Massachusetts Bay.

*Resolved*, That there be printed, under the direction of the secretary of the Commonwealth, from the stereotype plates in his possession, one hundred and fifty copies each of volumes two, three and four of the acts and resolves of the Province of the Massachusetts Bay.

*Approved March 21, 1890.*

**Chap. 31**

Luther Townsend eligible to receive state aid.

RESOLVE IN FAVOR OF LUTHER TOWNSEND.

*Resolved*, That Luther Townsend of Conway, who was a member of company G, 4th regiment of United States cavalry, from November twenty-fifth in the year eighteen hundred and fifty-eight to November twenty-fifth in the year eighteen hundred and sixty-three, and was honorably discharged therefrom, shall, from and after the first day of February of the present year, 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, 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 24, 1890.*

**Chap. 32**

In favor of Nathan H. Manning.

RESOLVE IN FAVOR OF NATHAN H. MANNING.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Nathan H. Manning of Boston, the sum of one hundred and fifteen dollars, for compensation for injuries sustained by him while acting under military orders as a member of the first battalion, light artillery, Massachusetts volunteer militia on the third day of October in the year eighteen hundred and eighty-nine.

*Approved April 1, 1890.*

## RESOLVE IN FAVOR OF CATHERINE CORRIGAN.

Chap. 33

*Resolved*, That Catherine Corrigan, widow of Thomas H. Corrigan who served in the war of the rebellion in the general service of the United States and is now dead, and who was a citizen of Boston at the time of his enlistment, shall, from and after March first of the present year, be eligible to receive state aid under the rules, provisions and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, 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.

Catherine Corrigan eligible to receive state aid.

*Approved April 1, 1890.*

## RESOLVE IN FAVOR OF ANNA N. P. DRAKE.

Chap. 34

*Resolved*, That Anna N. P. Drake formerly Nancy A. Harriman, mother of George Harriman who was a private in company H, seventeenth regiment, Indiana volunteers, during the war of the rebellion and was honorably discharged therefrom and has since died, shall, from and after the first day of February of the present year, 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 and were she a widowed mother.

Anna N. P. Drake eligible to receive state aid.

*Approved April 1, 1890.*

## RESOLVE PROVIDING FOR RE-PRINTING A PORTION OF THE REPORT OF THE CHIEF OF THE DISTRICT POLICE FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE.

Chap. 35

*Resolved*, That there be re-printed one thousand copies of the text of the report of the chief of the district police for the year eighteen hundred and eighty-nine, being the first two hundred and twenty-five pages only, the same to be bound in paper, for the use of said chief.

Report of the chief of the district police.

*Approved April 2, 1890.*

## RESOLVE IN FAVOR OF THE WORCESTER EAST AGRICULTURAL SOCIETY.

Chap. 36

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of two hundred dollars to the Worcester East Agricultural Society, for

In favor of the Worcester East Agricultural Society.

bounty for the year eighteen hundred and eighty-nine, the amount said society would have been entitled to receive had it been incorporated by an act of the legislature instead of under the general laws. *Approved April 2, 1890.*

**Chap. 37**

Elizabeth  
Murphy eligible  
to receive state  
aid.

## RESOLVE IN FAVOR OF ELIZABETH MURPHY.

*Resolved*, That Elizabeth Murphy, widow of John Murphy who served as a second-class fireman in the United States navy during the late war, is now dead, and who was a citizen of Boston at the time of his enlistment, shall, from and after March first of the present year, be eligible to receive state aid subject to the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, 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 April 2, 1890.*

**Chap. 38**

Allowance to  
the town of  
Washington.

## RESOLVE GRANTING AID TO THE TOWN OF WASHINGTON IN THE COUNTY OF BERKSHIRE.

*Resolved*, That, for the purpose of giving some relief to the town of Washington in the county of Berkshire, in view of the damage done by the cloud-burst or waterspout which caused a disastrous flood in said town in the month of July in the year eighteen hundred and eighty-nine, there shall be allowed and paid out of the treasury of the Commonwealth to the treasurer of the town of Washington the sum of six thousand dollars; which sum shall be expended by said town solely for the purpose of repairing the roads and bridges that were damaged as aforesaid. *Approved April 4, 1890.*

**Chap. 39**

Helen C. Mul-  
ford eligible to  
receive state  
aid.

## RESOLVE IN FAVOR OF HELEN C. MULFORD.

*Resolved*. That Helen C. Mulford, wife of Joseph W. Mulford who served in the United States navy during the war of the rebellion as an acting ensign, from the twelfth day of July in the year eighteen hundred and sixty-four to the sixth day of December in the year eighteen hundred and sixty-five, and who is now insane and confined in the Napa California insane asylum, shall, from and after the first day of January in the year eighteen hundred and ninety, be eligible to receive state aid under the provisions, rules and regulations of chapter three hundred and



one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that she would have been entitled if her husband had served to the credit of this Commonwealth and was in the receipt of a United States pension of four dollars per month, and was otherwise entitled to receive state aid.

*Approved April 8, 1890.*

RESOLVE IN FAVOR OF ROSANNA LOCKABY, MARY O'LEARY, CATHARINE MAHER AND JAMES McCLOSKEY.

*Chap. 40*

Whereas, on the twenty-third day of June in the year eighteen hundred and seventy-one, Francis E. Parker, a public administrator in and for the county of Suffolk, deposited into the treasury of the Commonwealth the sum of nine hundred and eighty-eight dollars and twenty-four cents, being the distributive balance of the estate of Anne Dellaber, otherwise known and called Joanna Gallaher, to be held to the benefit of those who have lawful claims thereon; and whereas it appears that Rosanna Lockaby, wife of James N. Lockaby of Towanda, Pennsylvania, Mary O'Leary, wife of Timothy O'Leary, and Catharine Maher, wife of Patrick Maher, both of Newark, New Jersey, and James McCloskey of Oldham, England, are legally entitled to the whole of said sum in equal shares; therefore, *Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the said Rosanna Lockaby, Mary O'Leary, Catharine Maher and James McCloskey, the said sum of nine hundred and eighty-eight dollars and twenty-four cents, to which they are legally entitled.

In favor of  
Rosanna  
Lockaby, Mary  
O'Leary, Cath-  
arine Maher and  
James  
McCloskey.

*Approved April 8, 1890.*

RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

*Chap. 41*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the New England industrial school for deaf mutes, in the town of Beverly, the sum of two thousand dollars, to be expended under the direction of the trustees thereof: One thousand dollars of said sum to be applied towards the payment of the mortgage of said institution, and the balance to be used for the educational purposes of the school for the present year. And the trustees shall report to the state board of education.

Allowance to  
the New Eng-  
land industrial  
school for deaf  
mutes.

*Approved April 11, 1890.*

*Chap.* 42

## RESOLVE IN FAVOR OF ARTHUR WILCOX.

In favor of  
Arthur Wilcox.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, to Arthur Wilcox of Fall River, the sum of eight hundred dollars, to defray necessary expenses incurred, and as compensation for injuries received, in consequence of the giving way of staging on which he was at work while in the employ of the Commonwealth on the asylum for criminal insane at the state farm at Bridgewater, on the third day of October in the year eighteen hundred and eighty-nine. The said accident causing the breaking of both legs and serious internal injuries to said Wilcox.

*Approved April 11, 1890.*

*Chap.* 43

## RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE STATE FARM AT BRIDGEWATER.

Improvements  
at the state farm  
at Bridgewater.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding nine thousand three hundred dollars, to be expended under the direction of the trustees and superintendent of the state farm at Bridgewater, for the following purposes, to wit: — for extending the high service water and obtaining an additional supply of pure water, five thousand dollars; for additional tillage and pasturage lands, fencing, concrete walks and paving, four thousand three hundred dollars.

*Approved April 11, 1890.*

*Chap.* 44

## RESOLVES PROVIDING FOR A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC, TO BE HELD IN BOSTON DURING THE PRESENT YEAR.

Representation  
of the Common-  
wealth at the  
national en-  
campment of  
the grand army  
of the republic.

*Resolved*, That, for the purpose of uniting with the veterans of the late war of the rebellion in a proper observance of the twenty-fifth anniversary of the restoration of peace to the country, and of assisting the grand army of the republic in holding its national encampment the present year in the city of Boston, and thereby enabling the Commonwealth to offer, in testimony of its appreciation of their services to the nation, a fitting hospitality to the veteran soldiers, 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 governor and council, in such manner as they shall deem proper.

*Resolved*, That the invitation of the executive committee charged with the arrangements for the encampment and reunion, to participate in the reception and entertainment of the veterans, be accepted; and that the following members of the state government and others represent the Commonwealth on the occasion: — the governor, the lieutenant-governor, the executive council, the secretary of the Commonwealth, the treasurer and receiver-general, the auditor of the Commonwealth, the attorney-general, the president of the senate, the speaker of the house of representatives, the joint committee on military affairs, a special committee of five members of the senate and fifteen members of the house of representatives, to be appointed by the presiding officers of the two branches, the clerks of the senate and of the house of representatives, the sergeant-at-arms, and the legislative reporters of the general court.

*Approved April 24, 1890.*

RESOLVE IN FAVOR OF THE CITY OF LYNN.

*Chap. 45*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the city of Lynn, the sum of eight hundred and sixty-eight dollars and twenty-one cents, in reimbursement for money expended by said city in furnishing the members of the militia ordered out for guard duty at the late fire with gloves, arctics and rubber boots.

*Approved April 24, 1890.*

In favor of the city of Lynn.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE LUNATIC HOSPITAL AT TAUNTON.

*Chap. 46*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars, to be expended at the state lunatic hospital at Taunton under the direction of the trustees, for the following purposes, to wit: — for repairs to the heating apparatus, a sum not exceeding two thousand dollars; for new floors, a sum not exceeding one thousand dollars; for general repairs to the buildings, a sum not exceeding five thousand dollars; for building a farm shed, store-house and so forth, a sum not exceeding fifteen hundred dollars; and for bath-rooms, a sum not exceeding fifty-five hundred dollars.

*Approved April 26, 1890.*

Repairs and improvements at the state lunatic hospital at Taunton.

*Chap. 47*

County taxes granted.

## 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: Barnstable, fifteen thousand dollars; Berkshire, seventy-five thousand dollars; Bristol, one hundred and eighty thousand dollars; Dukes County, seven thousand eight hundred dollars; Essex, two hundred and five thousand dollars; Franklin, thirty-three thousand dollars; Hampden, ninety-eight thousand dollars; Hampshire, forty-two thousand dollars; Middlesex, two hundred and seventy thousand dollars; Norfolk, eighty-five thousand dollars; Plymouth, sixty-five thousand dollars; Worcester, one hundred and twenty-five thousand dollars.

*Approved April 26, 1890.**Chap. 48*

Additional copies of the acts and resolves of the Province of the Massachusetts Bay.

RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF VOLUME FIVE OF THE ACTS AND RESOLVES OF THE PROVINCE OF THE MASSACHUSETTS BAY.

*Resolved*, That there be printed, under the direction of the secretary of the Commonwealth from the stereotype plates in his possession, one hundred and fifty copies of volume five of the acts and resolves of the Province of the Massachusetts Bay.

*Approved April 26, 1890.**Chap. 49*

In favor of John C. Lawrence.

## RESOLVE IN FAVOR OF JOHN C. LAWRENCE.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to John C. Lawrence of Boston, a corporal of company A, fifth regiment of infantry, Massachusetts volunteer militia, the sum of three hundred and fifty dollars, in full compensation for injuries received in camp on the fourteenth day of August in the year eighteen hundred and eighty-nine while in the line of his duty acting as corporal of the guard; said injury being a bayonet wound received from one of the members of the guard, in his leg, purely accidental, inflicting a most painful and dangerous wound, incapacitating him from labor for some eight weeks and subjecting him to great expense for surgical treatment.

*Approved April 26, 1890.**Chap. 50*

In favor of Hezekiah Andrews.

## RESOLVE IN FAVOR OF HEZEKIAH ANDREWS.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Hezekiah Andrews, the

sum of two hundred dollars, to compensate him for land taken by the Commonwealth and for other injuries to his property in the laying out and extension of the Troy and Greenfield railroad.

*Approved April 26, 1890.*

RESOLVE PROVIDING FOR PRINTING EXTRA COPIES OF A PORTION OF THE TWENTY-SEVENTH ANNUAL REPORT OF THE TRUSTEES OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

*Chap. 51*

*Resolved*, That there be printed eleven thousand copies of that part of the twenty-seventh annual report of the trustees of the Massachusetts agricultural college which relates to the most economical use of commercial fertilizers; to be bound in paper covers and to be distributed under the direction of the Hatch experiment department of the Massachusetts agricultural college and of the state board of agriculture.

Additional copies of the report of the trustees of the Massachusetts agricultural college.

*Approved April 29, 1890.*

RESOLVE IN FAVOR OF WILLIAM A. ARTHUR.

*Chap. 52*

*Resolved*, That William A. Arthur of Brewster, Massachusetts, who served in the United States navy during the war of the rebellion as an acting master, shall, from and after the first day of April in the year eighteen hundred and ninety, be eligible to receive state or military aid under the provisions, rules and limitations of chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been entitled had he served to the credit of this Commonwealth.

William A. Arthur eligible to receive state or military aid.

*Approved April 30, 1890.*

RESOLVE IN FAVOR OF THE CITY OF QUINCY.

*Chap. 53*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the city of Quincy, the sum of two thousand and sixty dollars and fifty cents, as reimbursement to said city for money expended for the support of John McDonald, an insane state pauper.

In favor of the city of Quincy.

*Approved May 3, 1890.*

RESOLVE PROVIDING FOR FURNISHING THE NEW ARMORIES IN THE CITIES OF BOSTON, LOWELL AND WORCESTER.

*Chap. 54*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-one thousand five hundred dollars, to be expended under

Furnishing the new armories in Boston, Lowell and Worcester.

the direction of the governor and council for the purpose of furnishing, ready for occupancy, the two regimental armories recently erected in the city of Boston and the battalion armories in the cities of Lowell and Worcester, as provided for in section eight of chapter three hundred and eighty-four of the acts of the year eighteen hundred and eighty-eight.

*Approved May 3, 1890.*

**Chap. 55** RESOLVE TO PROVIDE FOR ADDITIONAL CELL-ROOM AT THE STATE PRISON IN BOSTON.

Additional cell-room at the state prison in Boston.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-five thousand dollars, to be expended by the commissioners of prisons under the direction of the governor and council, for extending and enlarging the north wing of the state prison in Boston so as to provide additional cell-room.

*Approved May 14, 1890.*

**Chap. 56** RESOLVE IN RELATION TO A MORE EQUITABLE DISTRIBUTION OF THE INCOME OF THE MASSACHUSETTS SCHOOL FUND.

Plan for the more equitable distribution of the Massachusetts school fund.

*Resolved*, That the commissioners of the Massachusetts school fund and the tax commissioner be requested to prepare a plan for a more equitable distribution of the income of the Massachusetts school fund, with reference to the needs of the smaller and poorer towns; and in considering such distribution to take into account the general tax rate or the tax rate for school purposes, the number of scholars, the valuation of the town, and such other matters as shall in their opinion be advisable; and to report the same to the next general court during the first week of the session.

*Approved May 14, 1890.*

**Chap. 57** RESOLVE PROVIDING FOR PRINTING AN EDITION OF THE ATLAS MAPS OF MASSACHUSETTS AS PREPARED AND ENGRAVED BY THE GEOLOGICAL SURVEY.

Printing of an edition of the atlas maps of Massachusetts.

*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 printing, in the state of Massachusetts provided the work can be done as well and as cheaply as elsewhere, a preliminary edition of the proofs of the atlas sheets of the Massachusetts maps, as prepared and engraved by the geological survey; to be sold at such prices and on such terms as may be fixed by the commissioners on the topographical survey, with the

approval of the governor and council. The proceeds of such sales shall be paid into the treasury of the Commonwealth.

*Approved May 14, 1890.*

RESOLVE RELATING TO PORTRAITS OF GOVERNORS OF MASSACHUSETTS.

*Chap. 58*

*Resolved*, That the governor with the advice and consent of the council is hereby authorized to appoint a commissioner whose duty it shall be to invite contributions of portraits of ex-governors of this Commonwealth since the organization of the government under the constitution in seventeen hundred and eighty. Said portraits shall be submitted to the governor and council for their approval, and procured without expense to the Commonwealth. The said commissioner shall make a full report of his doings to the general court in January of each year, who shall designate the department of the state house in which said portraits shall be kept. Said commissioner shall serve without compensation but all necessary expenses shall be approved by the governor and council and shall be paid out of the treasury of the Commonwealth.

Commissioner to invite contributions of portraits of ex-governors of Massachusetts.

*Approved May 15, 1890.*

RESOLVE PROVIDING FOR A WATER SUPPLY, FIRE-ESCAPES AND OTHER NECESSARY IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT FRAMINGHAM.

*Chap. 59*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fourteen thousand one hundred dollars, to be expended at the state normal school at Framingham under the direction of the state board of education, for the following purposes, to wit:— tank and water supply at May hall; laying large pipes from Crocker and May halls to the main pipes; water analysis; repairs on normal hall, floors, ceilings and staircases; plumbing in normal hall; papering; fire-escapes for school-house and boarding-house; laying out of grounds, driveway and grading; work on sewage field; tablet to Miss May; extras for dedication of May hall; gas apparatus for May hall; expenses of moving, cleaning and extras, and piano. The state board of education may remove the stone wall on the east side of the grounds and may move or sell the old school building, the proceeds of such sale to be paid into the treasury of the Commonwealth.

Water supply, fire-escapes, etc., at the state normal school at Framingham

*Approved May 19, 1890.*

*Chap. 60* RESOLVE PROVIDING FOR CERTAIN REPAIRS AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Repairs at the state industrial school for girls at Lancaster.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-two hundred dollars, to be expended at the state industrial school for girls at Lancaster under the direction of the trustees and superintendent, for the following purposes, to wit: — for an addition to the building known as the cottage, a sum not exceeding two thousand dollars; for the purchase of a spring of water, a sum not exceeding one hundred dollars, and for sundry repairs to the barn, a sum not exceeding one hundred dollars.

*Approved May 19, 1890.*

*Chap. 61* RESOLVE PROVIDING FOR THE PAYMENT OF CURRENT EXPENSES AT THE WESTBOROUGH INSANE HOSPITAL.

Current expenses at the Westborough insane hospital.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, for the purpose of meeting current expenses at the Westborough insane hospital at Westborough during the year eighteen hundred and ninety, the same to be expended under the direction of the trustees of said hospital.

*Approved May 19, 1890.*

*Chap. 62* RESOLVE IN FAVOR OF JAMES ABBOTT.

James Abbott eligible to receive state or military aid.

*Resolved*, That James Abbott, of Boston, who served in the United States navy during the war of the rebellion as an ordinary seaman, shall, from and after the first day of April of the present year, be eligible to receive state or military aid under the provisions, rules and limitations of chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and eighty-nine, 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 May 23, 1890.*

*Chap. 63* RESOLVE PROVIDING FOR THE PURCHASE OF LAND AND THE ERECTION OF A COAL SHED AT THE STATE PRIMARY SCHOOL AT MONSON

State primary school at Monson.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six



hundred dollars, to be expended at the state primary school at Monson under the direction of the trustees and superintendent of said school, for the purchase of land and the erection of a coal shed thereon.

*Approved June 3, 1890.*

RESOLVE TO PROVIDE FOR BUILDING AND REPAIRING FENCES AT THE REFORMATORY PRISON FOR WOMEN. *Chap. 64*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to be expended under the direction of the commissioners of prisons, for building and repairing fences at the reformatory prison for women. Reformatory prison for women at Sherborn.

*Approved June 3, 1890.*

RESOLVE PROVIDING FOR A NEW BUILDING AT THE LYMAN SCHOOL FOR BOYS. *Chap. 65*

*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 Lyman school for boys at Westborough under the direction of the trustees, for the purpose of erecting a new building to accommodate the increased number of boys at said school. Lyman school for boys at Westborough.

*Approved June 3, 1890.*

RESOLVE RELATIVE TO THE INSECT KNOWN AS THE OCNERIA DISPAR OR GYPSY MOTH. *Chap. 66*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five thousand dollars, in addition to the twenty-five thousand dollars authorized by chapter ninety-five of the acts of the present year, for the purpose of continuing the work of the commission appointed under said act in preventing the spreading and securing the extermination of the ocneria dispar or gypsy moth in the Commonwealth. Commission for the extermination of the gypsy moth.

*Approved June 3, 1890.*

RESOLVE AUTHORIZING THE COLOR GUARDS OF THE SONS OF VETERANS TO PARADE WITH FIRE-ARMS. *Chap. 67*

*Resolved*, That regularly organized camps of the sons of veterans be permitted to parade their color guards of ten men armed with fire-arms in public at all times. Color guards of sons of veterans may parade with fire-arms.

*Approved June 4, 1890.*

**Chap. 68** RESOLVE PROVIDING FOR THE MAINTENANCE OF INDUSTRIAL SCHOOLS  
AND FOR CERTAIN REPAIRS AT THE MASSACHUSETTS REFORMATORY.

Massachusetts  
reformatory  
at Concord.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eleven thousand five hundred dollars, to be expended at the Massachusetts reformatory at Concord under the direction of the commissioners of prisons, for the following purposes, to wit: — for the maintenance of industrial schools, a sum not exceeding six thousand dollars; for plumbing the houses of the superintendent, deputy superintendent, and the offices of said institution, a sum not exceeding fifteen hundred dollars; for making and repairing concrete walk, a sum not exceeding one thousand dollars, and for repairs to steam boilers, a sum not exceeding three thousand dollars.

*Approved June 5, 1890.*

**Chap. 69**

RESOLVE IN FAVOR OF THE DUDLEY INDIANS.

In favor of the  
commissioners  
for the Dudley  
Indians.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Charles E. Stevens and Thomas Harrington, commissioners for the Dudley Indians, the sum of four thousand eight hundred and fifty-one dollars and sixty-three cents; being the amount found due by the court under the provisions of chapter four hundred and forty-three of the acts of the year one thousand eight hundred and eighty-nine.

*Approved June 5, 1890.*

**Chap. 70**

RESOLVE IN FAVOR OF THE SOLDIERS' MESSENGER CORPS.

In favor of the  
soldiers' mes-  
senger corps.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the disabled soldiers' employment bureau, a sum not exceeding eight hundred dollars, the same to be expended under the direction of the adjutant-general. Three hundred dollars of said sum shall be allowed for the superintendence of said bureau.

*Approved June 6, 1890.*

**Chap. 71** RESOLVES PROVIDING FOR SUBMITTING TO THE PEOPLE THE ARTICLE  
OF AMENDMENT TO PREVENT THE DISFRANCHISEMENT OF VOTERS  
BECAUSE OF A CHANGE OF RESIDENCE WITHIN THE COMMON-  
WEALTH, AND THE ARTICLE OF AMENDMENT RELATIVE TO SOL-  
DIERS AND SAILORS EXERCISING THE RIGHT OF FRANCHISE.

Amendments to  
the constitution.

*Resolved*, That the following articles 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 : —

ARTICLE OF AMENDMENT TO PREVENT THE DISFRANCHISEMENT OF VOTERS BECAUSE OF A CHANGE OF RESIDENCE WITHIN THE COMMONWEALTH.

To prevent the disfranchisement of voters because of a change of residence within the Commonwealth.

No person otherwise qualified to vote in elections for governor, lieutenant-governor, senators and representatives, 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.

ARTICLE OF AMENDMENT RELATIVE TO SOLDIERS AND SAILORS EXERCISING THE RIGHT OF FRANCHISE.

Relative to soldiers and sailors exercising the right of franchise.

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, 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.

*Resolved*, That the people shall be assembled for the purpose aforesaid, in their respective polling places in the several cities and towns, in meetings to be legally warned, and held on Tuesday the fourth day of November next, at which meetings all persons qualified to vote for state officers may give in their votes for or against one or both of said articles of amendment; and the same officers shall preside in said meetings as in meetings for the choice of state officers, and shall in open meeting receive, sort, count and declare the votes for and against the said articles of amendment; 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, and of the selectmen, or a major part of them, and of the clerks of the said cities and

Vote upon the articles of amendment.

towns, respectively, and sealed up, and within ten days after the said meetings, transmitted to the secretary of the Commonwealth. So far as the same can be made applicable, the provisions of law applicable to the election of state officers shall apply to the taking the vote on said articles of amendment.

Ballot.

*Resolved*, That every person qualified to vote as aforesaid may express his opinion on one or both of said articles of amendment, and the following words shall be printed on the ballot, viz: —

Amendment to the constitution to prevent the disfranchisement of voters because of a change of residence within the Commonwealth.

YES.
NO.

Amendment to the constitution relative to soldiers and sailors exercising the right of franchise.

YES.
NO.

And if one or both of said articles shall appear to be approved by a majority of persons voting thereon, said article or articles, as the case may be, shall be deemed and taken to be ratified and adopted by the people.

Returns of votes to be examined and result ascertained.

*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 one or both of said articles of amendment have been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the article or articles 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 therewith, numbered according to 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.

Governor to make proclamation announcing the result of the vote.

*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 articles of amendment, and announcing that one or both of said articles have been duly adopted and ratified by the people of this Commonwealth, and thus 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 one or both of said articles of amendment have been rejected, as the case may be.

*Resolved*, That a printed copy of these resolves, including the said articles of amendment, 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.

Copies of the resolves to be transmitted to the cities and towns of the Commonwealth.

*Approved June 13, 1890.*

RESOLVE PROVIDING FOR THE PRINTING OF THE LAWS RELATING TO ELECTIONS.

*Chap. 72*

*Resolved*, That the secretary of the Commonwealth shall cause to be prepared and printed five thousand copies of a pamphlet containing the acts passed at the present session relating to elections together with the provisions of the Public Statutes and other laws now in force relating to elections, with proper notes and references and a complete index in such form as may be convenient for preservation and use in the several cities and towns of the Commonwealth; one copy to be furnished to each member of the present legislature, and as many copies to each city and town clerk as shall be necessary to enable him to retain one copy for his own use, one copy in his office for the use of the public, and to furnish two copies for the use of the board of registrars of voters and two copies for the use of the election officers in each voting precinct.

Laws relating to elections to be printed and distributed.

*Approved June 13, 1890.*

RESOLVES RELATING TO THE BOUNDARY LINE BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF NEW HAMPSHIRE.

*Chap. 73*

*Resolved*, That that portion of the boundary line between the State of New Hampshire and this Commonwealth, agreed upon by the commissioners on the part of the State of New Hampshire and the Commonwealth of Massachusetts on the sixteenth day of August in the year one thousand eight hundred and eighty-eight, and referred to in house document numbered four hundred and ninety of the year one thousand eight hundred and eighty-nine, being the report of said commissioners for this Commonwealth at the last session of the general court, be assented to on the part of the Commonwealth, and that said commissioners for the Commonwealth be hereby authorized to erect suitable and permanent monuments to mark said line; and be directed to prepare and file in the office of the secretary of the Commonwealth a full and accurate

Monuments to be erected to mark the boundary line between the Commonwealth of Massachusetts and the State of New Hampshire.

Commissioners to file plans and make report.

description of said boundary line, giving the positions of all the monuments at the angles, together with the true courses and measurements of the distances between them, accompanied by the several maps and documents relating to the work now in their possession; and to make a report of their doings to the general court, so that said line may be accepted and established as the true boundary line between the two states forever.

Copy of resolve to be sent to the governor of New Hampshire.

*Resolved*, That his excellency the governor of this Commonwealth be requested to transmit a copy of this resolve to his excellency the governor of the State of New Hampshire.

*Approved June 16, 1890.*

**Chap. 74** RESOLVE PROVIDING FOR FIRE-ESCAPES AT THE STATE NORMAL SCHOOL AT WESTFIELD.

Fire escapes at state normal school at Westfield.

*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 state board of education, for the purpose of providing fire-escapes and such other proper and sufficient safeguards to the boarding hall at the state normal school at Westfield as will secure its inmates adequate protection against fire.

*Approved June 21, 1890.*

**Chap. 75** RESOLVE RELATING TO THE DISPOSAL OF SEWAGE FROM THE REFORMATORY PRISON FOR WOMEN.

Disposal of sewage at reformatory prison for women.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, to be expended by the commissioners of prisons, for the disposal of the sewage from the reformatory prison for women; said sum to be in addition to the amount said commissioners are authorized to expend by chapter two hundred and eleven of the acts of the present year.

*Approved June 21, 1890.*

**Chap. 76** RESOLVE TO CONFIRM THE ACTS OF THOMAS J. HOMER AS A JUSTICE OF THE PEACE

Thomas J. Homer, justice of the peace, acts confirmed.

*Resolved*, That all the acts done by Thomas J. Homer as a justice of peace, between the seventeenth day of April and the eleventh day of June in the year eighteen hundred and ninety, 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 June 24, 1890.*

RESOLVE FOR COMPLETING THE PREPARATION AND PUBLICATION *Chap. 77*  
OF THE PROVINCE LAWS.

*Resolved.* That the governor with the consent of the council is authorized to appoint for a term not exceeding three years from the first day of February in the present year, three suitable persons, learned in the law and history of Massachusetts, to complete the preparation and publication of the acts and resolves of the Province of the Massachusetts Bay, of whom one shall edit said work and receive therefor for a period not exceeding said term a salary of two thousand dollars per year, and the other two shall serve without compensation except such reimbursement or allowance for travelling and other expenses as the governor and council shall approve. Said commissioners shall be provided with an office in some suitable place in the city of Boston and shall in writing make a report of their doings to the general court in January of each year.

Commissioners to complete the preparation and publication of the province laws.

*Approved June 28, 1890.*

RESOLVE IN FAVOR OF THE MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES. *Chap. 78*

*Resolved.* That there be allowed and paid out of the treasury of the Commonwealth, in addition to the sums now provided by law, the sum of one hundred dollars each to the door-keepers, postmaster and messengers of the senate and house of representatives and to the clerk and messengers of the sergeant-at-arms; and the sum of sixty-seven dollars to each page.

Allowance to messengers, pages, etc.

*Approved July 2, 1890.*

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE JOHN S. TRUE. *Chap. 79*

*Resolved.* That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late John S. True of Woburn, member of the house of representatives from the fourteenth Middlesex district, the amount said True would have been entitled to had he served as a member to the end of this session.

Widow of John S. True.

*Approved July 2, 1890.*

## PROPOSED AMENDMENTS TO THE CONSTITUTION.

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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:—

### RESOLVES PROVIDING FOR AMENDMENTS TO THE CONSTITUTION ESTABLISHING BIENNIAL ELECTIONS OF STATE OFFICERS AND MEM- BERS OF THE GENERAL COURT.

Amendment to  
the Constitution  
proposed, estab-  
lishing biennial  
elections of  
state officers  
and members of  
the general  
court.

*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.

The governor, lieutenant-governor, and councillors, shall hold their respective offices for two years next following the first Wednesday in the January succeeding their election and until others are chosen and qualified in their stead.

The secretary, treasurer and receiver-general, auditor, and attorney-general, shall hold their respective offices for



two years, beginning with the third Wednesday in the January succeeding their election and until others are chosen and qualified in their stead.

A person shall be eligible as treasurer and receiver-general for three successive terms, and no more.

The first election to which this article shall apply shall be that held on the Tuesday next after the first Monday in November in the year eighteen hundred and ninety-two; and thereafter elections for the choice of all the officers before mentioned shall be held biennially on the Tuesday next after the first Monday in November.

All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

*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.

Senators and representatives shall hold their respective offices for terms of two years, beginning with the first Wednesday in the January succeeding their election and continuing until the day appointed for the assembling of the general court next elected.

Each general court shall, without any proclamation or other act of the governor, be finally dissolved on the day preceding the day appointed for the first assembling of the next elected general court.

The first election to which this article shall apply shall be that held on the Tuesday next after the first Monday in November in the year eighteen hundred and ninety-two; and thereafter elections for the choice of all the officers

## PROPOSED AMENDMENTS TO THE

before mentioned shall be held biennially on the Tuesday next after the first Monday in November.

All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

SENATE, April 9, 1890.

The foregoing articles of amendment are agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same are referred to the general court next to be chosen.

HENRY H. SPRAGUE, *President*.

HOUSE OF REPRESENTATIVES, April 23, 1890.

The foregoing articles of amendment are agreed to, two-thirds of the members of the house of representatives present and voting thereon having voted in the affirmative; and the same are referred in concurrence to the general court next to be chosen.

WILLIAM E. BARRETT, *Speaker*.

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RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION  
FIXING THE NUMBER OF MEMBERS NECESSARY TO CONSTITUTE A  
QUORUM IN EACH BRANCH OF THE GENERAL COURT.

Amendment to  
the Constitution  
proposed, fixing  
the number of  
members neces-  
sary to consti-  
tute a quorum  
in each branch  
of the general  
court.

*Resolved*, 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.

## ARTICLE OF AMENDMENT.

A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and

compel the attendance of absent members. All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

SENATE, April 1, 1890.

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.

HENRY H. SPRAGUE, *President*.

HOUSE OF REPRESENTATIVES, May 5, 1890.

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*.

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION  
RELATIVE TO THE QUALIFICATION OF VOTERS FOR GOVERNOR,  
LIEUTENANT-GOVERNOR, SENATORS AND REPRESENTATIVES.

*Resolved*, By both houses, the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, That it is expedient to alter the Constitution of the Commonwealth by adopting the subjoined article of amendment; and that the same, as thus agreed to, 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 same be published, to the end that if agreed to by the general court next to be chosen, in the manner provided by the Constitution, 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, relative to the qualification of voters for governor, lieutenant-governor, senators and representatives.

ARTICLE OF AMENDMENT.

So much of article three of the amendments of the Constitution of the Commonwealth as is contained in the following words: "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 the 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", is hereby annulled.

HOUSE OF REPRESENTATIVES, April 30, 1890.

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, May 14, 1890.

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.

HENRY H. SPRAGUE, *President*.

## RESOLUTIONS.

## RESOLUTIONS ON THE DEATH OF JOHN S. TRUE OF WOBURN, REPRESENTATIVE FROM THE FOURTEENTH MIDDLESEX DISTRICT.

*Resolved*, That the house of representatives has heard with profound sorrow of the sudden death of John S. True of Woburn, late a member from the fourteenth Middlesex district. On the death of John S. True of Woburn, late a member of the general court.

*Resolved*, That the house feels keenly the loss sustained, and deeply sympathizes with the family and friends of the deceased in their great bereavement.

*Resolved*, That, in token of regard for the memory of the lamented member, his seat in this house be draped with the usual badge of mourning for thirty days.

*Resolved*, That the clerk of the house communicate these resolutions to the family of the deceased, and to the mayor of the city of Woburn.

*Resolved*, That, as a further mark of respect to the memory of the deceased, this house now adjourn.

*In House of Representatives, adopted January 9, 1890.*

## RESOLUTION IN RELATION TO THE SOLDIERS' HOME IN MASSACHUSETTS AT CHELSEA, MASS.

*Whereas*, The soldiers' home at Chelsea, Mass., has been supported by private gifts and by gifts of the state, and has fulfilled all the functions of a state home for veterans of the late war: Soldiers' Home in Massachusetts.

*Resolved*, That the senators and representatives of this state in congress be requested to use every effort to secure such legislation as will entitle the soldiers' home at Chelsea, Mass., to secure the benefit of the act of the fiftieth congress, which grants one hundred dollars from

the treasury of the United States towards the support of each veteran in any state home.

*In House of Representatives, adopted January 23, 1890.*

*In Senate, adopted in concurrence January 28, 1890.*

RESOLUTIONS RELATIVE TO THE TRANSFER OF THE REVENUE MARINE FROM THE JURISDICTION OF THE TREASURY DEPARTMENT TO THE JURISDICTION OF THE NAVY DEPARTMENT.

Transfer of the revenue marine from the jurisdiction of the treasury department to that of the navy department.

*Resolved*, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, respectfully and earnestly urge upon congress the importance and public benefit of transferring the officers, seamen and vessels of the revenue marine from the jurisdiction of the treasury department to the jurisdiction of the navy department, and request congress to pass a bill effecting that purpose.

*Resolved*, That copies of these resolutions be sent to the presiding officers of both houses of congress, and to the senators and representatives in congress from this Commonwealth.

*In Senate, adopted January 28, 1890.*

*In House of Representatives, adopted in concurrence January 31, 1890.*

RESOLUTIONS TENDERING THE SYMPATHY OF THE GENERAL COURT TO THE HON. JAMES G. BLAINE, SECRETARY OF STATE, AND THE HON. BENJAMIN F. TRACY, SECRETARY OF THE NAVY.

Sympathy of the general court to the secretaries of state and of the navy.

*Resolved*, That the sympathy of the general court be and is hereby tendered to the Hon. James G. Blaine, secretary of state, and the Hon. Benjamin F. Tracy, secretary of the navy, in the sudden and severe afflictions that have recently come to them and their families.

*Resolved*, That the officers of the two branches of the legislature forward this expression of our regard.

*In House of Representatives, adopted February 4, 1890.*

*In Senate, adopted in concurrence February 5, 1890.*

RESOLUTIONS RELATING TO RAILROAD DISASTERS AND LOSS OF LIFE FROM THE PRESENT MODES OF COUPLING AND HEATING CARS.

Railroad disasters and loss of life from the

*Whereas*, Thousands of persons are annually killed or injured in the making up freight trains and handling the

brakes of railroad cars used in interstate traffic, which might be prevented by the use of uniform automatic couplers and train brakes; and present modes of coupling and heating cars.

*Whereas*, Appalling railway disasters, attended by awful suffering and fearful loss of life, result from the use of dangerous and unscientific methods of heating and lighting railway cars used in interstate passenger traffic; and

*Whereas*, No system of coupling, heating or lighting of cars which will be at once practicable, safe and uniform is likely to be adopted by the several railroad corporations, nor made compulsory by the laws of the several states; 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 of the foregoing subjects, with a view to the passage of resolutions instructing the interstate commerce commission to consider whether some uniform means may not be adopted to save life, prevent suffering, and add to the comfort and security of railway passengers and employees in the heating, lighting and operating of railway cars used in interstate commerce; to the end that said commission may make recommendations to the various railroads within its jurisdiction, and report the same to congress, with such suggestions as to legislation on said subject as may seem necessary or expedient.

*Resolved*, That a copy of these resolutions be sent to the congress of the United States, and to each of our senators and representatives therein.

*In Senate, adopted February 6, 1890.*

*In House of Representatives, adopted in concurrence February 12, 1890.*

RESOLUTIONS RELATIVE TO THE OPENING OF THE CHARLESTOWN NAVY YARD AND THE BUILDING OF BATTLE SHIPS THEREIN.

*Whereas*, The Charlestown navy yard, situated at the head of Boston harbor and within the borders of ward three, in the city of Boston, comprising about two hundred acres in territory and representing a valuation of many millions of dollars, with a magnificent water front, with docks and wharves, accessible at all times to United States vessels of the heaviest draft; with storhouses, ship houses, timber sheds, a rope-walk and foundries; Opening of the Charlestown navy yard and the building of battle ships therein.

and with unequalled railroad facilities, — is generally acknowledged to be one of the finest naval stations in the country; and,

*Whereas*, For some years it has been the policy of the national government to make this navy yard a “closed yard” where only a nominal force of men can be employed, hardly sufficient to guard the government property; and,

*Whereas*, Such a policy is not calculated to benefit the mechanics or laborers who reside in Boston and vicinity, nor to improve trade in that part of Boston where the navy yard is situated, — since idle property when not placed on the market does not contribute to the general welfare of a community or of a state; and,

*Whereas*, The attention of the country has lately been directed to our navy, the condition of which is greatly deplored by every lover of the flag; and if the recommendations of the president of the United States and the honorable secretary of the navy are to be carried out, all ship-building plants in the country, both public and private, will be utilized in the building of new cruisers; and,

*Whereas*, During the late civil war over six hundred war vessels were built and equipped at this navy yard, and at one time more than fifty-five hundred men were employed therein; and,

*Whereas*, With very little expense this navy yard can be brought out of its state of decay, and be put in a suitable condition for building one, at least, of the new government battle ships.

*Resolved*, That we instruct our senators and request our representatives in congress to use their best endeavors to secure the passage of an act making the necessary appropriations to place the Charlestown navy yard in working condition, and to have battle ships built therein.

*Resolved*, That our senators and representatives in congress are hereby requested to urge such legislation as will secure the employment in the Charlestown navy yard, and in all the navy yards of the United States, of those persons who are best qualified for such service, under the rules and regulations of the civil service commission, irrespective of political opinion.

*In Senate, adopted February 11, 1890.*

*In House of Representatives, adopted in concurrence February 13, 1890.*



## RESOLUTIONS TENDERING THE SYMPATHY OF THE HOUSE OF REPRESENTATIVES TO THE SPEAKER AND MRS. BARRETT.

*Whereas*, This house learns with sorrow of the death of the only child of the speaker, his infant son, William E. Barrett, Jr. :—

*Resolved*, That the heartfelt sympathies of the members of this house are hereby extended to the speaker and Mrs. Barrett.

*Resolved*, That a copy of these resolutions be sent by the clerk to the Hon. William E. Barrett and Mrs. Barrett and that these resolutions be extended upon the journal of the house.

*In House of Representatives, adopted February 24, 1890.*

## RESOLUTIONS TENDERING THE THANKS OF THE COMMONWEALTH TO ADMIRAL LEWIS A. KIMBERLY.

*Resolved*, That the heroism and fortitude displayed by Admiral Kimberly of the United States flag-ship Trenton, and by the officers and crews of the United States fleet in the terrible hurricane of March sixteenth, eighteen hundred and eighty-nine, which was so destructive to property and life in the fleet under Admiral Kimberly's command, at that time in the bay of Apia, Samoa, is deserving of public recognition.

Thanks of the Commonwealth to Admiral Lewis A. Kimberly, etc.

*Resolved*, That the general court of the Commonwealth of Massachusetts hereby expresses to Admiral Kimberly, and the officers and crews of the United States ships Trenton, Vandalia and Nipsic, the high appreciation entertained of their fidelity to duty, and their heroic deeds in the service of the country.

*Resolved*, That these resolutions be engrossed, and signed by the president and clerk of the senate, and by the speaker and clerk of the house; and that his excellency the governor be requested to sign the same, and affix the great seal of the Commonwealth thereto, and forward these resolutions to Admiral Kimberly.

*In Senate, adopted March 25, 1890.*

*In House of Representatives, adopted in concurrence March 28, 1890.*

## RESOLUTION CONCERNING A REVISION OF THE TARIFF.

Revision of the tariff.

*Resolved*, That the senate of Massachusetts recognizes that the changed business conditions affecting New England industries, in common with those of the rest of the country, require a thorough revision of the tariff, and a reduction of the duties, so far as the same can be made with due regard to laboring and manufacturing interests but does not deem it the province of the legislature to discuss the details of subjects of national legislation, and has full confidence in the ability and intention of our senators and representatives in congress to deal adequately and vigilantly with the industrial as well as with all other interests affecting the Commonwealth and the country.

*In Senate, adopted April 17, 1890.*

## RESOLUTION IN REGARD TO THE ENFORCEMENT OF THE LAW AGAINST PUBLIC BARS.

Enforcement of the law against public bars.

*Resolved*, That the senate is in favor of the vigorous and impartial enforcement of the law against public bars, and has confidence in the ability and intention of the executive branch of the government of the Commonwealth so as to enforce it.

*In Senate, adopted May 20, 1890.*

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The general court of 1890, during its annual session, passed four hundred and fifty-six acts and seventy-nine resolves which received the approval of his excellency the governor.

"An act to authorize the consolidation of gas and electric light companies" was laid before the governor for his approval, and was returned by him to the senate, in which it originated, with his objections thereto: was reconsidered, agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the objections of the governor to the contrary notwithstanding, it was rejected, two-thirds of the senators present and voting thereon not having voted in the affirmative.

The resolves providing for amendments to the constitution, agreed to by the general court of 1889, viz:—To prevent the disfranchisement of voters because of a change of residence within the Commonwealth, and relative to soldiers and sailors exercising the right of franchise, were also agreed to by the general court of 1890.

The resolve providing for an amendment to the constitution with regard to disenfranchising voters as a punishment for crime, agreed to by the general court of 1889, was not agreed to by the general court of 1890.

The general court was prorogued on Wednesday the second day of July, the session having occupied one hundred and eighty-three days.

## INAUGURAL ADDRESS

OF

## HIS EXCELLENCY JOHN Q. A. BRACKETT.

At twelve o'clock on Thursday, the second 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 House of Representatives.*

In accordance with a custom of long standing, I first present to you a statement of the financial condition of the Commonwealth, as it appears from the reports of the various departments: —

## FINANCIAL STATEMENT.

Total debt Jan. 1, 1889, . . . . .	§28,851,619 15
Total debt Jan. 1, 1890, . . . . .	28,251,287 85
Decrease, . . . . .	§600,331 30

## SINKING FUNDS.

Amount of sinking funds Jan. 1, 1889, . . . . .	§23,235,608 84
Amount of sinking funds Jan. 1, 1890, . . . . .	21,010,532 60
Decrease, . . . . .	§2,225,076 24
Actual expenses, 1888, . . . . .	§5,030,333 51
Expenses, 1889, so far as can now be ascertained, . . . . .	5,392,923 45

## GOVERNOR'S ADDRESS.

## ESTIMATES FOR 1890.

Payments for all purposes, . . . . .	\$6,035,719 51
Receipts, including cash on hand, but exclusive of direct State tax, . . . . .	5,003,037 82
Deficit, . . . . .	<u>          </u> \$1,032,681 69

This reduction of the sinking funds is due to the payment of portions of the Troy & Greenfield Railroad loan, of the Massachusetts war loan, of the harbor improvement loan, and of one coast defence bond. Of the loan of \$2,500,000 authorized for the construction of the addition to the State House, \$1,900,000 has been issued, and the remainder will probably be issued during the present year. During the year there will be paid, of the debt of the Commonwealth, the sum of \$505,129.55, for which there is ample provision in the sinking funds.

Last year a loan of \$830,000 for the construction of armories, and a loan of \$130,000 for additional land for the extension of the State House, were negotiated. Statutory provision was made for the borrowing of \$5,000,000, to be expended in the construction, maintenance and operation of a system of sewage disposal for the valleys of the Mystic and Charles rivers; but no portion of this loan has been negotiated.

Our financial standing is excellent; still, it should be our purpose to make it better, and not to enter upon additional expenditures unless such expenditures are necessary for the welfare of the people. The cost of maintaining our government is at all times large; let it be our aim to keep such cost within proper limits, but at the same time to deal with every question which comes before us in that spirit of just liberality which has always characterized Massachusetts.

## TAXATION.

Closely connected with the financial condition of the Commonwealth is the subject of taxation. The expenses of the State government are paid out of the income derived from assessments upon various corporations, from the receipts for certain licenses and from other sources of revenue, and from a direct State tax. The amount of the latter assessed last year was \$2,000,000. While the proportion of this tax paid by each town and city is small in

amount compared with its expenses for local purposes, it is nevertheless a burden, which it should be the object of the Legislature to lighten as far as it is practicable. One method of accomplishing this is by retrenchment in the public expenditures. Another is by devising new sources of revenue. While this latter method may be but a transfer of a part of the amount to be raised from one class of property to another, the effect may be to relieve to a considerable extent the industries and business enterprises of the people, without imposing elsewhere burdens that shall be equally appreciable.

As a method of this character, I suggest that you consider the expediency of levying, as a duty or excise upon settlement of estates, a tax upon legacies and successions. Small estates being exempted, so that families left with comparatively limited means by the decease of husband or father would not be affected, an excise of moderate amount upon larger estates would not be, to those who have the good fortune to receive shares therein, a tax at which they could reasonably complain. It would be far different in this respect, being taken from property which comes to the heir, legatee, or devisee, not as the result of his labor or enterprise, but as a donation, from the tax which the merchant, the manufacturer, the farmer, the workingman, has to pay out of the income, oftentimes scanty, which he acquires by his energy, skill and toil. As the State furnishes, by its laws and probate courts, the instrumentalities for the transmission of property from the deceased owner to those who receive it, there is a justice and propriety in its imposing an excise on such transmission. The rate should be moderate in all cases, and less upon property passing to the widow, descendants and parents, than upon that going to collateral kindred, or to institutions or to persons not related to the deceased, or what are called collateral inheritances or bequests. These latter are made a distinct subject of taxation in some of the States. In New York the amount derived from this one source in 1888 was \$736,000, and in Pennsylvania \$700,000.

It has been estimated, by those who have investigated the subject, that the amount which could be, at a reasonable rate, derived from the tax suggested, would be sufficient to do away with the necessity of any direct State tax whatever, and to pay a considerable part of our county expenses.

That there are many and grave inequalities in our present system of taxation, is apparent. These inequalities are found in the rates of taxation in the various towns and cities, which last year varied from \$4.30 in the town of Cohasset, to \$23.00 per thousand dollars in the towns of Florida and Hawley. The highest rates are generally paid in these towns whose people are as a rule the least able to pay them. The tendency is to an increase in this disparity, inasmuch as wealth is attracted to the towns having the lowest rates, thereby increasing their valuation and correspondingly lessening the rate. But the difference in rates is but one of the existing inequalities. Many bear more than their just proportion of the public expenditures, and others less. The present system burdens our manufacturers and merchants and farmers in a way which places them at a disadvantage in competing with those engaged in similar business in other states, and who are exempt from such burdens. These disadvantages affect not only those who directly suffer them, but indirectly all the industries and interests of the State. The subject is too vast for any detailed discussion on an occasion like this, but I bespeak for it your careful and comprehensive consideration in all its bearings.

I recommend that the office of tax commissioner be separated from that of the State treasurer, and made a distinct department of the government. By this change the duties of the two offices would be greatly simplified, and constant confusion avoided.

As it is now, the treasurer is nominally tax commissioner, though the duties of that position are mainly performed by the deputy tax commissioner, who is appointed by the treasurer. Most of the various State taxes are really assessed by the deputy tax commissioner, though under the tax commissioner's name. The treasurer is a member, and usually chairman, of the Board of Appeal, to which claims for abatement of taxes are made; and therefore the tax commissioner occupies the anomalous position of sitting as a member of a board of revision of his own work.

It seems to me, therefore, that the deputy tax commissioner should be made tax commissioner, be appointed by the Governor and Council, and should assess all State taxes, leaving the treasurer to be simply a receiving and disbursing officer.

I believe it would be well to repeal the law taxing the dues capital of co-operative banks. The law under which these banks are established contemplates the investment of substantially the entire capital paid in to them in loans secured by mortgages of taxable real estate. As these investments are exempt from taxation in the banks under the law relating to the taxation of mortgaged property, the banks in many cases have nothing left to be taxed; and those which have any funds at all that are not loaned have so small an amount that the tax collected is not sufficient to pay for the cost of collecting it.

## AGRICULTURE.

While Massachusetts is not classed as an agricultural State, the interests of her forty thousand farmers are important, and worthy of the consideration of the legislature. The last census shows a yearly agricultural product of nearly fifty million dollars. The large area of uncultivated land within our borders presents an opportunity for a large increase in the number of farms and the total amount of farm products. The liberal appropriations of former legislatures for the Agricultural College, the State Experiment Station, the agricultural societies, and for the dissemination of agricultural information, are appreciated by the farmers. It is believed that these appropriations have been judiciously and economically expended, and that better methods of cultivation have resulted. A new enemy is at present threatening the agriculture not only of our State but of the whole country. I refer to the gipsy moth (*Oenaria Dispar*), a European insect which has recently appeared in the State. They are said to attack almost every variety of tree, as well as the farm and garden crops. They are now confined to a very small area in Middlesex County, but have become acclimated, and are spreading with great rapidity. If their eradication is to be attempted, immediate measures are of the utmost importance. The officers and entomologists of our agricultural organizations will be ready to furnish such suggestions and information as you may require in acting upon the subject.

## EDUCATION.

Statistics compiled by the Board of Education show that the public schools of the Commonwealth have

enjoyed another prosperous year. The total appropriations for their maintenance was \$7,510,518.85, an increase over those of the previous year of \$433,312.43. For each child there was expended \$20.42, the law requiring that at least \$3.00 shall be so used.

In the Commonwealth there are 367,785 children of school age, and there have been in the schools, of those of all ages, 363,166, the average attendance having been 299,537. As nearly as can be ascertained, there are in the Commonwealth 396 private schools, an increase of 48; and in these schools are 37,620 pupils, an increase of 7,530. In the 236 high schools there are 24,139, and in the six normal schools 1,352 pupils.

By the statutes every town is required to provide a suitable place for the confinement, discipline and instruction of its truant children. It is also provided that, if three or more towns petition the county commissioners therefor, there shall be established a county truant school, to which the towns may send their truants. There should be such a school in every county, except in those of Dukes and Nantucket. Education is cheaper than crime, and the statistics of all civilized countries show that the criminal classes are recruited from the ignorant.

One of the best indications of the deep interest felt in education is furnished by the evening schools, of which there are 240 in 51 cities and towns, with an average attendance of 12,598. The advantages which these schools offer are enjoyed by those who have passed the school age, but who are sufficiently desirous of educating themselves to devote to that purpose the evening hours which they have at their disposal.

Starting with the Normal Art School, the principles of industrial education are being introduced into all the grades. The free text-book system has been in operation long enough to be thoroughly tested, and its advantages are evident. In the way of economy it saves fully one-third of the cost of school supplies.

Never have our public schools been in so good condition to meet the educational wants of all the people. You may find in your deliberations that they can be improved. I am confident that whatever you do that relates to them will be for their advancement, and for strengthening their hold upon the public confidence and respect, so that the largest possible number of the children of the Common-



wealth may avail themselves of their advantages, and thereby become equipped for the intelligent discharge of the duties of American citizenship.

#### THE COURTS.

It is essential to the efficient administration of the criminal laws, and is the right of every person accused of crime, that such person have a speedy trial. Such trial, however, in capital cases, is, under existing conditions, difficult to obtain. For this the court is not responsible, but it is due to the fact that its time is so occupied with other duties that delays in taking up such cases are unavoidable. As a means of preventing such delays, I suggest that you consider the expediency of conferring jurisdiction of capital cases upon the superior court, three justices thereof to sit at such trials. This is not a new proposition, but is one that was advocated by the commissioners on the revision of the judicial system appointed in 1876, who in their report say:—

The commission further recommend that the superior court, sitting with three justices, have exclusive jurisdiction to try capital cases, with a right of exception in the defendant to the supreme judicial court. As the superior court already has jurisdiction of all lesser offences, and sits for many months every year in the trial of indictments, its judges are necessarily more familiar with the criminal law than are the judges of the supreme judicial court, who try no criminal cases except capital ones. There is no cause, therefore, to apprehend that those charged with the capital offence will have a less fair or less intelligent trial than they would get in the higher court.

This recommendation was also made by the attorney-general in his last two annual reports. Any increase in the work of the superior court, occasioned by this transfer of jurisdiction, or by other causes, can be met by an increase in the number of its justices, a method of relief which cannot be wisely applied to the supreme judicial court. It is a question which you may well consider, whether there is not already a necessity for such increase, in order to secure the prompt trial of causes. Although two additional judges were appointed in 1888, the present volume of business in the superior court is so great that it is often difficult to obtain a trial of an action until a long time after its commencement. There is need also of more frequent terms for criminal business in some of the counties. In those having only two terms in the year, a person ar-

rested and unable to give bail may be compelled, although innocent of the charge brought against him, to remain in confinement nearly six months, or nearly a year even, should his trial not take place at the first term after his arrest. This is a hardship and wrong which no man should suffer. That prompt dispensation of justice in both civil and criminal cases, which is so important, would, it seems to me, be facilitated by the suggested transfer of jurisdiction to the superior court, and by such addition to the number of its judges as may be deemed necessary.

In view of the large amounts of property held in trust, and the importance of its faithful management, I call your attention to the propriety of providing for the appointment of persons to examine and verify securities shown in trustees' and guardians' accounts in probate courts.

The beneficiaries under trusts are largely of a class unable or unaccustomed to transact business for themselves, and it is obviously inconvenient and impracticable to produce such securities in court, even were there time to examine them there. In the existing practice in regard to this matter, deficiencies may exist for years without coming to the knowledge of any person interested.

The safe keeping of original wills and bonds in probate courts is another topic deserving your attention. At present the practice is to keep them on file with the other papers of a case, and they are readily accessible to every interested person. The opportunity for abstracting or altering these important papers is one that should be guarded against.

#### COUNTY AFFAIRS AND CRIMINAL COSTS.

I renew the recommendation of my immediate predecessor, that there be a revision of the statutes relating to the inferior courts and to criminal costs in all the courts. I have examined the last report of the controller of county accounts, and concur in many of its conclusions. That we have outgrown some of the methods of transacting county and court business is apparent. Some statutes are plainly obsolete, and others need amendment to meet the conditions of the present time.

I invite special attention to the trial justice system. It may not be possible to do away with it altogether, but I am of the opinion that it can be improved. I submit to your consideration the questions whether the territorial

jurisdiction of existing district and police courts may not in many instances be increased to advantage, and whether there is not a better way of compensating trial justices than by fees.

## PRISONS AND REFORMATORIES.

The Legislature of 1887 abolished the "contract system" of labor in the prisons of the Commonwealth. The law providing for this change went into effect on November 1 of that year, and thus its provisions have been in operation a little more than two years. This change was wise and in harmony with the progressive spirit of the time. Profit is no longer the main reason for the employment of prison labor, but the reformation of the prisoner by teaching him to become an efficient workman takes the first place. Those who are committed to the penal and reformatory institutions of the Commonwealth, instructed as they are in all the branches of a trade, are restored to society well fitted to occupy in it a reputable position. Moreover, the discipline of the prisons is more easily maintained, and the financial showing is much more favorable than it was anticipated it would be.

In his last report the General Superintendent of Prisons advocates the repeal or amendment of that section of the law which prohibits the purchase of new machinery to be run by other than foot or hand power. The chief reason for this recommendation is that this restriction inflicts an injury upon the prisoner. At the expiration of his sentence he should be prepared to meet the conditions which the world imposes upon him; and without the knowledge needed to operate improved machinery he is not fully equipped to meet those conditions, and hence is in greater danger of drifting again into unlawful pursuits.

I recommend the enactment of a law authorizing the payment to prisoners in the State Prison and the reformatories, under rules to be made by the Prison Commissioners and approved by the Governor and Council, of some proportion of their earnings. Such an allowance, graded according to industry and behavior, would furnish the prisoner with an additional motive for good conduct and for doing faithful and efficient work. It would enable him to contribute something to the support of those dependent upon him, and who, though innocent, are often the greatest sufferers from his incarceration.

It would give him a fund upon his discharge to aid him to go through the period immediately succeeding, when it is always difficult for him to obtain honest employment, and when, penniless and out of work, he is liable to be tempted again to resort to the commission of crime. A law of this character has gone into operation in New York during the past year, and the experiment is worth being tried here.

The Massachusetts Reformatory and the Reformatory Prison for Women are both based on the principle of making the reformation of the prisoners the primary object in prison management. Both have amply justified their establishment, and their administration is entitled to special commendation. The subject of prison reform is one in which the public interest is happily growing, and anything you can do to promote it, and to secure such changes in conformity therewith as will conduce to improvements in the management of all our penal and reformatory institutions, will be a work worthy of your best efforts.

#### PUBLIC HEALTH.

The State has wisely assumed the investigation of the causes and effects of epidemic diseases, as the spread of such diseases is not necessarily confined to the limits of any city or town. It is capable of demonstration that they have been largely prevented by the efforts of State and local health boards.

Between the health authorities of the Commonwealth and those of the cities and towns, there should be close relation, in order that they may work well together when mutual assistance is necessary. To this end a better organization of local boards of health should be brought about.

Our laws to prevent the adulteration of food and drugs are wise and have been well administered. If others for the same purpose are needed they should be promptly enacted, both for the protection of the people, who have the right to be assured that the food and medicines they buy for themselves and their families are pure, and just what, in kind and quality, they are represented to be, and to protect the honest producer from being injured by having to compete with products which are fraudulent and impure.

## LUNACY AND CHARITY.

That there is a steady increase in the number of insane persons in the Commonwealth, the statistics collected by the State Board of Lunacy and Charity unhappily show. On the first of December last the five State Hospitals and the Worcester Asylum, which can properly accommodate 2,950, had an aggregate population of 3,474 inmates. Beside these there are probably 1,100 insane persons under the direction of local overseers of the poor, and 118 insane persons who are boarded in families. It is safe to say that, including the very considerable number of unreported cases, there are at least 5,000 persons of unsound mind in the State.

For the proper care of this numerous and steadily increasing class of those who are thus unfortunate, additional hospital accommodations are needed. It is the opinion of those who are most competent to judge of the matter that, to meet the present necessity, a large farm should be purchased within a reasonable distance of Boston, and buildings erected at once for 1,000 patients. These buildings should consist of groups of plainly built and thoroughly equipped cottages, thus making it possible to properly classify the patients.

For the accommodation of the insane, many of the almshouses of the cities and towns are in an unsatisfactory condition. Such action should be taken that a condition of things not in accordance with the intent of the law will be speedily remedied. It is also important that you consider whether any other measures are demanded for the protection and better treatment of the indigent insane.

Another branch of this topic is the proper care and custody of the criminal insane, who should be kept in a separate institution from those who have committed no crime.

## STATE PURCHASING AGENT.

I am convinced that a considerable reduction could be made in State expenses if all purchases of supplies for our various charitable, penal and reformatory institutions, and for all other State purposes, except where the amount is trifling, were made by an agent appointed by the Governor and Council. Such officers are employed by our large and most prudently managed railroad and other corporations

requiring large quantities of supplies, and the State could wisely follow their example. Contracts by such an officer should be made under the supervision of the Governor and Council, and after advertising for proposals, except in special exigencies or where only a small quantity of goods of a particular class is needed. Should you concur in the opinion which I have expressed, it is my belief that the salary required to secure the services of a competent officer for this purpose would be but slight in comparison with the saving to the treasury which would be effected by his employment.

#### SAVINGS BANKS AND CO-OPERATIVE BANKS.

The aggregate statement of the savings banks of the State for the year ending Oct. 31, 1889, shows total deposits of \$332,723,688.59, and assets amounting to \$350,072,392.12. Comparison with the figures of the preceding year indicates an increase in deposits of \$17,538,618.02 and in assets of \$18,865,525.53, the largest gain in any year since 1875. There are 1,029,694 deposit accounts, averaging \$323.13 each, a deposit account for every two persons of the entire population of the State and an average per capita of \$171.38, which affords good evidence of the thrift of the people. Of the deposits of the past year nearly one-half in number and amount were made by women.

There were in the State, Oct. 31, 1889, 93 co-operative banks, an increase during the year of 27. Their total assets on that date were \$7,041,001.00, and the number of their members was 36,747. While the rapid growth of these useful institutions in number, membership and assets, is, like the deposits in the savings banks, encouraging as a proof of the public prosperity and of the appreciation by the people of the large benefits which they confer, there is a possible danger of their establishment, by persons not familiar with the requirements of the system, in places too small in population or where the conditions are otherwise not well adapted for their successful operation, and legislation in reference to this may be advisable. There is also necessity for legislation concerning companies chartered in other states and transacting here business of a nature similar to that of the co-operative banks.

## INSURANCE.

There is a demand for a revision of the laws in relation to the taxation of Massachusetts fire and marine insurance companies. The Insurance Commissioner in his report for 1888 says:—

Of one thing our domestic companies complain with reason,—taxation. Massachusetts insurance companies are subject to the ordinary corporate rate of taxation upon their capital; companies of other States or countries upon the amount of their premium receipts, depending upon the volume of their business within this Commonwealth. True, this tax is precisely like that upon corporations organized for other purposes: and it may be difficult to arrange a rate, differing from the ordinary, for any particular class of business. But there is a divergence in the scope and methods of insurance from every other class of corporate transactions, entitling the capital engaged therein to special consideration.

In the year 1886 Massachusetts capital invested in the business of fire and marine insurance amounted to \$6,507,200.00, upon which the tax levy was \$77,970.41. If these companies, having this capital and paying this tax, had been chartered outside of the State, and had done within it a like amount of business, they would have been called upon to pay but \$38,824.04. It will be seen that the Massachusetts companies pay a penalty to the extent of more than double taxation for the privilege, or misfortune, of being home corporations.

In these days of fierce competition capital naturally seeks investment in that business which has the smallest burden to bear. There is little inducement to invest in a home insurance company. It would be well in order to make such investment more desirable, to consider the propriety of taxing the business, and not the capital, of domestic insurance companies, thus placing them on the same footing as that occupied by their competitors.

## RAILROADS.

To the last Legislature were submitted two important discussions of the various questions relating to grade crossings. The report of the Board of Railroad Commissioners dealt with the evils resulting from them and suggested legislation designed to limit their creation, to secure greater protection at those already existing, and to provide more simple and effective means for their gradual abolition.

The report of the Special Commission on Grade Crossings, which commission consisted of three civil engineers, discussed principally the engineering problems involved.

I commend these two reports to you as containing very full and valuable information on the subject. The problems are not easy of solution, but they involve questions of life and death as well as of public convenience, and action on them should not further be postponed.

The Legislature of 1888, at the instance of the Board of Railroad Commissioners, adopted resolutions urging Congress to legislate with reference to freight-train brakes, to freight-car couplers, and couplers for steam heating. These resolutions were duly referred to the appropriate committee of Congress, and the President of the United States, in his late message, commended the subject as of great and pressing importance. As a result of the movement initiated in this State, there is now reason to hope that uniform couplers and continuous brakes on freight trains will soon be required on all cars used in interstate commerce, and that brakemen will consequently be saved from many dangers to which they are now exposed. I suggest that by resolution or otherwise you urge prompt action by Congress upon the subject.

Our railroads, during the year ending on the 30th of June last, carried, on all the lines operated by them within and without the State, ninety-three and one-half million passengers; and I am happy to be able to announce that within this State not a single passenger was killed by causes beyond his own control.

#### IMPROVEMENT OF HIGHWAYS.

It is important that the public roads be kept in the best possible condition for the safety, convenience and pleasure of the people. This subject is one in which great interest is at the present time being manifested, not only in this State but in others. That there is ample room for improvement is apparent. As one step in this direction, my predecessor, in his message of last year, recommended the appointment of a commissioner of highways, with certain specified duties. I commend to your careful consideration this proposition, and all others which may be submitted to you looking to a better system of construction and repair of our public ways.



## DANGERS FROM FIRE AND ELECTRICITY.

The recent disastrous conflagrations in Lynn and Boston forcibly suggest the importance of your considering whether, by the revision of the building laws and measures for their better enforcement, or by other pertinent legislation, more effective safeguards cannot be provided, which will diminish the danger of such disasters in the future. The report that the Boston fire was caused by an electric wire, and the accidents almost daily occurring from the same cause, admonish us that, while electricity has been made so largely subservient to the uses and conveniences of civilization, it is adding to the insecurity of life and property. The necessity is urgent for the enactment of laws for the supervision and regulation of electric wires wherever they exist, and for such other carefully matured measures as will, without impairing the use of electricity, lessen the perils attendant thereon.

## BALLOT REFORM IN PRIMARY MEETINGS.

The first elections under what is popularly known as the Australian system have recently been held, and have demonstrated the great advantages of the new method of voting. In view of its success, and of the importance of the primary meetings in influencing our elections, I suggest that you consider the advisability of legislation applying the new method, as far as is practicable, to such meetings. The Legislature has already enacted a law for their regulation, and any additional measures which would increase public interest and strengthen confidence in them, and render them more fully representative of the will of the people, would be promotive of good government.

## THE CIVIL SERVICE.

The work of the civil service commissioners for the year has been successful and progressive, and conducted upon the same rules and practice as in former years. The only extension of the classified service during the year was the inclusion of janitors and engineers in the public schools of Boston, required by chapter 352 of the Acts of 1889.

One of the suggestions of the commissioners, which I commend to your consideration, is the enactment of a

general law, providing that all police officers shall be appointed to serve until removed for cause. In seventeen of our twenty-five cities they are now so appointed, either by virtue of special acts or by provision in the original charters. It seems to me that, as this tenure during good behavior, where it has been tested, has produced excellent results, the time has come when it should be established in all our cities.

#### THE STATE HOUSE EXTENSION.

Work upon the construction of the addition to the State House, for which provision was made by the legislatures of 1888 and 1889, is progressing satisfactorily. Contracts have been made for excavating a portion of the lot, for all the granite and for all the general masonry, while negotiations for the marble and for the iron work are nearly completed.

On Forefathers' Day, the 21st of last month, the cornerstone of the structure was laid, with appropriate ceremonies, by my immediate predecessor in this office; and there is good reason to believe that within two years from the present time it will be practically completed.

#### MILITIA.

The militia is in effective condition, as has recently been shown in its response to calls in aid of the civil power for the protection of the property of our citizens.

The adjutant-general and board of officers, consisting of brigade and battalion commanders, recommend an increase in the number of days for tours of camp instruction. In some states the encampments are of one week's duration, and it is claimed that a great gain in efficiency is the result, which warrants the increased expenditure.

Many officers and men, by their long and meritorious service, are entitled to recognition; and the advisability of issuing a long-service medal or badge will be considered during the coming year.

The annual appropriation for pay and transportation, while ample for the regular tours of duty upon which the estimates are based, is insufficient when emergencies which are liable to arise occur, as was the case during the past year, when the expenses attendant upon the reception of the President of the United States, and the fire at Lynn,

caused a deficiency which must be met by a special appropriation. I would suggest an annual appropriation, to be placed under the control of the Governor and Council, to meet extraordinary expenses of this nature.

NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE  
REPUBLIC.

The national encampment of the Grand Army of the Republic is to be held in Boston, in August next. Important and interesting as these gatherings always are, this one will be especially so, as it takes place in the same year with the quarter centenary of the crowning victory at Appomattox. It is expected that in the streets of Boston will march tens of thousands of veterans, coming from nearly every state and territory in the Union, many of them bearing the flags they bore at Gettysburg and on the other great battlefields of the war.

This demonstration, probably never to be repeated on so magnificent a scale within this Commonwealth, will be an object-lesson to our children, the value of which cannot easily be estimated. Massachusetts has been honored by the selection of her capital as the place for this assemblage, and should manifest her appreciation of the honor by cooperating with the members of the Massachusetts department of the Grand Army, and with all other patriotic citizens, in making the occasion one that shall be worthy of the State and of the organization which will be here convened. The liberal spirit in which the Commonwealth has always endeavored to discharge her obligations to her soldiers will doubtless be shown with reference to this event, which will be not only one of widespread interest, but instructive and useful as well, in strengthening in the hearts of the people the sentiments of patriotism which are nurtured by whatever recalls the memories of the war which closed a quarter of a century ago.

MASSACHUSETTS' MILITARY AND NAVAL HISTORY.

The State military and naval historian has submitted to me the preliminary plans for his work, which promise results of great value. They imply, however, an amount of labor which cannot be expected of any one man; and the allowance made by the last Legislature for necessary expenses in this department appears to be inadequate.

The subject is entitled to your early attention ; and I think you will agree with me, that, this work having been undertaken, it should be carried out on a scale commensurate with its importance.

#### LABOR LEGISLATION.

In practical measures for promoting the well-being of that portion of the people who gain their livelihood by manual toil, Massachusetts is in advance of any other state. These laws as a whole are creditable to our wisdom and humanity. To enable those who contribute by their labor to the industries upon which the material prosperity of the State depends to share equitably in the joint product of capital and labor, so that they may enjoy in the largest attainable measure the comforts and advantages of life, is an end which all should seek, and to the attainment of which the government should contribute in such ways as come properly within its province. Legislation upon the subject should not be based upon any implied antagonism between capital and labor, or urged in any spirit of hostility to either, but should be considered with a due regard to the rights and interests of both, and to its effect upon the general welfare.

One of our valuable labor laws, which has tended to foster that harmony which is desirable in our industrial system, is that establishing the Board of Arbitration. It has served as a mediator, bringing together employers and employed who for the time being were estranged, and in many instances enabling them, by conference and calm discussion, to reach an amicable adjustment of differences, on a basis reasonably satisfactory to all concerned. Wherever the methods of arbitration and conciliation have been given an opportunity to assert themselves through the medium of the board, the result has been salutary and encouraging ; and we may anticipate an enlargement of the field of usefulness of this tribunal, as employers and wage earners become better acquainted with the benefits which it offers them.

#### LIQUOR LEGISLATION.

In April last an amendment to the constitution, prohibiting the manufacture and sale of intoxicating liquors to be used as a beverage, having been agreed to by two

consecutive legislatures, was submitted to the people for their ratification. While the rejection of the amendment indicates that public sentiment does not now favor the method therein proposed for remedying the manifold evils which result from the liquor traffic, it is not to be inferred therefrom that the people fail to realize the magnitude of those evils, or are indisposed to do all that is practicable by legal means for their mitigation.

Under the existing local-option law the sale of intoxicating liquor is absolutely prohibited in all the towns and cities in the State except in those whose citizens vote to license such sale. Under this law during the past year, of the 351 towns and cities, 288 voted against and only 63 in favor of licenses. If the towns vote this year the same as last, after the first of May we shall have absolute prohibition in over four-fifths of the towns and cities of the Commonwealth. Of the 25 cities voting upon the subject last month, 13 voted in favor of licensing and 12 against; while in 1888 18 voted in favor and 7 against, showing a gain of 5 to the no-license column. The majority of the popular vote in favor of license in these cities in 1889 was 8,223; the majority in the same in 1888 being 30,348, a reduction in such majority in 1889 of 22,125.

These figures afford encouragement to all who oppose the license system. Even in the comparatively few towns and cities voting to grant licenses, the restrictive features of the present law make it largely prohibitory. Under the limitation act of 1888 only one license can be granted in Boston for every 500, and in other cities and in towns only one for 1,000, inhabitants.

Sales in these towns and cities are prohibited between the hours of eleven at night and six in the morning on every week day, at all times during the Sabbath, on all election days and on legal holidays, except in certain cases by druggists and by licensed innholders to their guests. They are prohibited in any building within four hundred feet of a public school, and in any building within twenty-five feet of any real estate the owner of which duly objects to the granting of a license therefor. Every license to sell liquor to be drunk on the premises is subject to the condition that the licensee shall not keep a public bar, and shall hold a license as an innholder or common victualler; and this latter he is not entitled to hold unless

actually carrying on the business specified. The meaning of the law clearly is that, while liquor may be sold by a licensed dealer, like other merchandise, to be carried away, it shall not be sold to be drunk on the premises except in hotels and restaurants. The obvious intent is to do away with the dramshop and the public bar, and only to allow the licensed proprietors of hotels and restaurants, as incidental to their principal business as such, to furnish liquor to their bona fide guests.

If, therefore, the present law, prohibitory as it is in over 82 per cent. of our towns and cities, and thus restrictive in all the others, is thoroughly enforced, as it should be, it will confine liquor selling in Massachusetts within comparatively narrow limits. If further laws are needed to prevent evasions of its letter and spirit, and more effectually to carry out its intent, I trust that you will enact them. To do all that is possible to secure the complete enforcement of this, as well as of all other laws, is the manifest duty of those entrusted with either the legislative or the executive functions of the government. Such enforcement furnishes the best test of the merits or defects of an existing law, and points out the way for such improvements as promise more effectually to accomplish the objects for which it is enacted.

#### BIENNIAL ELECTIONS.

Although resolves for amending the constitution do not require the approval of the governor, it has been customary for him to recommend to the Legislature such as he deemed expedient; and, following the precedent thus established, I suggest for your consideration one amendment which seems to me to be desirable.

It is that providing for biennial elections of State officers and members of the Legislature. This proposition has been under discussion for many years, and on a number of occasions has received the requisite vote in one Legislature, but failed in that of the succeeding year. I need not here restate the familiar arguments upon the subject. It is in the highest degree important that whenever an election takes place the largest possible number of those entitled to vote should take part in it. I believe that the change proposed would be conducive to this end. The comparatively light vote cast, as a rule, in years when State officers only are chosen, indicates that a large

portion of our citizens are averse to being called upon annually to discharge the duty of voting. If this duty devolved upon them only upon those years when members of congress also are to be elected, there would be less excuse for remissness in its performance, and a full vote would be more certain to be secured.

In advocating biennial elections I do not also advocate biennial sessions of the Legislature. The two propositions have generally been considered together. There is no necessary connection between them, but, on the contrary, they are entirely distinct from each other. One of the objections urged against the system of biennial elections and sessions, in those states in which it has been adopted, is that very few members of the Legislature are re-elected, so that it is largely composed of men without previous legislative experience. Experience is valuable in legislation, as it is in every other work. It promotes the enactment of wise measures, and is a safeguard against those of an opposite character. Under our present system about one-third only of the members of the House of Representatives are re-elected, as a rule. With biennial elections this proportion would doubtless be diminished. But a legislature elected for two years and meeting annually would at its second session be composed wholly of experienced members. The effect would be, as I believe, that the members would be disposed to postpone to the second session propositions of questionable expediency coming before them at the first, in order that they might have ample time for their consideration. On the other hand, at the second session they would not be inclined, except in special exigencies, to enter again upon the consideration of questions which had been finally disposed of at the first. This would save much of the time now taken up each year in hearings and discussions upon the same subject by successive legislatures. It would lessen the tendency to the enactment of laws by one legislature and their repeal by the next, and thereby tend to remove the objection often expressed as to the uncertainty of the law occasioned by frequent changes therein.

Another desirable result would be that, for the reasons mentioned, each session would probably be of less duration than is the case under the present system. At the same time the Legislature would be here each year to act upon those measures of obvious and urgent necessity, the

occasions for which are constantly arising, and in relation to which a delay of two years might be in many instances detrimental to the general welfare or to the interests of particular towns or cities. For these, among other reasons which might be stated, it seems to me that in biennial elections, with annual sessions of the Legislature, lies the true solution of the biennial problem.

*Senators and Representatives:—*

To serve the State in the positions to which you have been chosen is an honor that you cannot fail to prize. It brings with it great responsibilities. The subjects upon which you will be called to deliberate and act, to a few of which I have invited your attention, are many and important. They affect the varied and oftentimes conflicting interests of the people. To treat all these interests with perfect fairness and impartiality, and to make the greatest attainable good of all your central aim, is a duty which you appreciate. I trust that your labors here may be pleasant to yourselves and acceptable to your constituents; and I promise to unite with you in an earnest aspiration and endeavor to make the State government of the year 1890 one which, for its character and its good works, shall be memorable in the annals of the Commonwealth.



## 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 6, 1890.]

I have the honor to transmit herewith to the General <sup>Pardons.</sup> Court a report of the pardons granted in 1889, left with me by my predecessor in office.

JOHN Q. A. BRACKETT.

Jan. 1, 1890.

I have the honor herewith to present, in compliance with chapter 50 of the Resolves of 1860, a report of the thirty-six pardons issued by the Governor, with the advice of the Council, during the year of my administration just closing. Of the number thus released, eleven were in the State Prison, sixteen in houses of correction, four in the Reformatory Prison for Women, two in the Massachusetts Reformatory, two in the House of Industry at Deer Island, and one from the Insane Hospital at Worcester. Sickness was the controlling reason for the discharge of eleven, two of whom have since died.

OLIVER AMES.

No. 1. WILLIAM MCBURNEY. Convicted of breaking and entering, Superior Court, Norfolk County, Sept. 17, 1886. Sentenced to State Prison for six years. Pardoned Feb. 20, 1889, upon the recommendation of the prison physician, the prisoner being incurably ill with pulmonary consumption. He died Nov. 17, 1889.

No. 2. CHARLES DUGDALE. Convicted of breaking and entering, Superior Court, Hampden County, Oct. 14,

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1887. Sentenced to House of Correction for two years. Pardoned Feb. 27, 1889, upon the recommendation of the sheriff, county commissioners, probation officer, prison physician and many prominent citizens of Hampden County, on the ground of sickness. For the past year the prisoner had been suffering with inflammatory rheumatism, and a general anemic condition. It appeared that there was danger of sustaining permanent injury to his health if longer confined.

No. 3. ANNIE BROWN. Convicted of being a common drunkard, Municipal Court, Boston, Jan. 24, 1889. Sentenced to the Reformatory Prison for Women for one year. Pardoned March 3, 1889. The husband of the prisoner was instantly killed, February 28, while employed as a longshoreman at one of the wharves in Boston. Because of the influence of this terrible calamity upon the prisoner, and because she had two children six and three years of age, a pardon was granted, on the grounds of mercy and humanity.

No. 4. WILLIAM D. NUTE. Convicted of breaking and entering, Superior Court, Middlesex County, March 13, 1888. Sentenced to House of Correction for two and one-half years. Pardoned March 13, 1889, on account of serious illness, which, according to the certificate of the prison physician, was liable to prove fatal unless he could be released from confinement and receive home treatment.

No. 5. MARY MURPHY. Convicted of manslaughter, Supreme Judicial Court, Hampden County, December term, 1883. Sentenced to the Reformatory Prison for Women for ten years. Pardoned March 18, 1889. This was the prisoner's first offence. It appeared that she was enticed into committing fornication, became pregnant, and a child was born. Through the influence of others she was induced to lay her child on the bank of the canal, and allow it to roll into the water and drown. Her conduct in prison had been perfect. The pardon was recommended by the mayor, mayor-elect, city clerk, chief of police, and other leading citizens of Holyoke, on the ground that her punishment had already been commensurate with the gravity of her offence, when coupled with

the extenuating circumstances attending the commission of the crime. The district attorney concurred in the recommendation. Pardons.

No. 6. EUSTACE MELLEN. Convicted of breaking and entering, Superior Court, Essex County, Oct. 14, 1887. Sentenced to House of Correction for two and one-half years. Pardoned March 20, 1889, upon the recommendation of the sheriff, prison physician and others, on the ground that the prisoner was in failing health. It was feared by the physician that the disease would progress beyond recovery if the unexpired term of his sentence was enforced.

No. 7. MARTIN FLAHERTY. Convicted of robbery, Superior Court, Suffolk County, Dec. 14, 1885. Sentenced to State Prison for four years. Pardoned April 17, 1889. Flaherty has been employed as a trusted prisoner upon the prison grounds. His conduct had always been the best. With the allowances for good behavior, but six weeks of his sentence remained. The warden recommended a pardon, and was ready to give him immediate employment outside the prison walls. The district attorney concurred in the recommendation of the warden.

No. 8. JOHN A. PHILLIPS. Convicted of incest, Superior Court, Bristol County, Dec. 15, 1885. Sentenced to State Prison for twelve years. Pardoned April 18, 1889, because of evidence brought before the pardon committee, sufficient to raise grave doubts as to whether the crime of incest had been committed. The district attorney appeared at the hearing, and favored a pardon.

No. 9. TELESPHARD VIGNEAULT. Convicted of larceny, Superior Court, Bristol County, June 19, 1888. Sentenced to House of Correction for fifteen months. Pardoned April 18, 1889, for the reason of mitigating circumstances attending the crime for which he was convicted, and the distressed condition of his family. The pocketbook and contents—the property stolen—were found by Telesphard in his own house, where he and one Roy, the owner of the pocketbook, had been working together. Both were under the influence of liquor furnished by Roy. There was no premeditated theft. The district attorney wrote,

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“I regarded it as a case of yielding to sudden temptation, and did not think it should be regarded as a crime of the gravity which the indictment would indicate.” It appeared that during the prisoner’s imprisonment one of his daughters had died of consumption, and another was in the last stages of a fatal illness from the same disease. The mother’s time was entirely devoted to the care of the sick daughter, leaving the whole burden of supporting the family on two younger daughters, thirteen and seventeen years of age. He had the promise of steady employment if released. He had already been imprisoned more than a year, including the time of his confinement in jail awaiting trial. His previous character for honesty had been very good.

No. 10. WILLIAM D. REED. Convicted of uttering a forged cheque, Superior Court, Plymouth County, June 20, 1887. Sentenced to House of Correction for three years. Pardoned April 25, 1889, upon the recommendation of the district attorney and prison physician, it appearing that he was in very feeble health, and it did not seem probable that he would live to complete the term of his imprisonment. He died July 6.

No. 11. JOHN J. QUINLAN. Convicted of violating license law, Superior Court, Norfolk County, April 15, 1889. Sentenced to three months in the House of Correction, and to pay a fine of fifty dollars and costs. Pardoned May 22, 1889, because of his previous good character, and the fact that he was advised, under a misapprehension, to plead guilty. The pardon was granted upon the conditions that he pay the fine and costs, and discontinue the sale of intoxicating liquors.

No. 12. JOHN BAER. Convicted of larceny, Somerville Police Court, Nov. 20, 1888. Sentenced to the Massachusetts Reformatory on an indeterminate sentence. Pardoned May 23, 1889. Baer was sentenced for the larceny of pork, of the value of sixty cents. His family were sick and in destitute circumstances. The pardon was recommended by the complainant, the judge who sentenced him, and the prison commissioners, on the ground that he had been sufficiently punished for the crime committed.

No. 13. HONORA FELLEMAN. Convicted of being a Pardons. common drunkard, Superior Court, Suffolk County, Dec. 29, 1888. Sentenced to the Reformatory Prison for Women for one year. Pardoned May 29, 1889, on the recommendation of the district attorney and prison commissioners. The woman had not long been addicted to the immoderate use of intoxicating liquor, and the habit was contracted through the influence of another woman who came to live in the same house with her. This was her first conviction. She had four small children, who needed her care. For these reasons, and especially as her husband proposed, as far as in his power, to aid her in keeping her resolution to abstain from the use of intoxicating liquor, a pardon was granted.

No. 14. PATRICK COOLIGAN. Convicted of larceny, Superior Court, Middlesex County, Oct. 25, 1888. Sentenced to House of Correction for two and one-half years. Pardoned May 29, 1889, on the petition of Rev. P. A. McKenna; E. F. Johnson, justice of the police court; J. F. J. Otterson, clerk of the court; C. F. Whitman, chief of police; and the selectmen and officers of the town of Marlborough, and the recommendation of the prosecuting officer. There seemed to have been no intentional theft committed. Cooligan pleaded guilty, as he said, because, having been intoxicated, he had no recollection of anything that occurred at the time of the alleged offence. The owner of the property taken—a watch of slight value—made no complaint. The pardon committee had grave doubts whether any intentional offence had been committed.

No. 15. WILLIAM RAYMOND. Convicted of assault and battery, Superior Court, Suffolk County, July term, 1888. Sentenced to House of Correction for two years. Pardoned, May 29, 1889, for the reason that, under the circumstances as they were proven before the committee, and as stated by the report of the district attorney, the punishment seemed disproportionate to the offence. The case, therefore, was considered to be one that justified the executive clemency.

No. 16. MICHAEL MCGOWAN. Convicted of larceny, Superior Court, Berkshire County, Feb. 1, 1889. Sen-

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tenced to House of Correction for eight months. Pardoned June 5, 1889. The district attorney certified that McGowan was an honest, hard-working man, and that in his opinion he was unwittingly drawn into this difficulty; that he was not a bad man, and that under the circumstances, as he understood them, he had been sufficiently punished.

No. 17. MOSES QUERY. Convicted of breaking and entering, Superior Court, Worcester County, Oct. 20, 1887. Sentenced to House of Correction for two and one-half years. Pardoned June 8, 1889, upon the certificate of the prison physician that the prisoner was in an advanced stage of pulmonary consumption; and, from the rapidity with which the disease had progressed, that he would not live to serve out the remainder of his sentence.

No. 18. JOHN B. F. BETTS. Convicted of polygamy, Superior Court, Essex County, Nov. 17, 1887. Sentenced to House of Correction for three years. Pardoned July 3, 1889, upon the recommendation of the sheriff and prison physician that he might be removed to a hospital for surgical treatment.

No. 19. MARY COGGIN. Convicted of larceny, Municipal Court, Charlestown, June 6, 1889. Sentenced to pay a fine of ten dollars and costs. Committed to House of Industry, in default of payment of fine. Pardoned July 3, 1889, upon the recommendation of the prison physician. It appeared that she was of unsound mind when arrested, — so much so, in the opinion of the prison physician, as not to be responsible for her actions.

No. 20. BRIDGET GALLAGHER. Convicted of lewd and lascivious cohabitation, Superior Court, Aug. 14, 1888. Sentenced to House of Correction for eighteen months. Pardoned Aug. 28, 1889, upon the certificate of the prison physician that she was subject to alarming and dangerous pulmonary hemorrhage, also to numbness and temporary paralysis of her feet and legs.

No. 21. WILLIAM R. CUTHBERT. Convicted of attempt to procure a miscarriage, Superior Court, Bristol County,

Dec. 17, 1886. Sentenced to State Prison for five and a half years. Pardoned Sept. 18, 1889, upon the certificate of the prison physician that the prisoner was suffering from chronic disease of the larynx, which may at some time prove fatal.

No. 22. JOHN J. MANN. Convicted of larceny, Superior Court, Plymouth County, Feb. 27, 1889. Sentenced to House of Correction for fifteen months. Pardoned Oct. 9, 1889, on the recommendation of the county commissioners and the prison physician, on the ground that the prisoner was in feeble health, and would probably die before the expiration of his term of imprisonment if longer confined.

No. 23. BRIDGET WOODARD. Convicted of being a common drunkard, Eastern Hampden District Court, April 10, 1889. Sentenced to the Reformatory Prison for Women for two years. Pardoned Oct. 10, 1889, on the recommendation of the prison commissioners, the justice who sentenced her, the selectmen of Palmer and the arresting officer, on the grounds that the sentence was excessive, and made under error of the facts, and the needs which existed calling for her presence in her home.

No. 24. JOHN F. SAWYER. Convicted of escaping from House of Correction, Superior Court, Essex County, Sept. 27, 1888. Sentenced to House of Correction for two years. Pardoned Oct. 10, 1889, upon the certificate of the prison physician that the prisoner was in the first stage of consumption, and that, if he remained in prison until the expiration of his sentence, the disease by that time would have reached a stage where a cure or recovery could not reasonably be looked for. The district attorney, sheriff and chaplain of the prison joined in the recommendation.

No. 25. HENRY BAKER. Convicted of assault with intent to rape, Superior Court, Worcester County, Aug. 24, 1886. Sentenced to House of Correction for four years. Pardoned Oct. 25, 1889, upon the recommendation of the district attorney, county commissioners and probation officer of Worcester County. The district attorney reported that, in his own judgment, there had

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always been some reason to doubt the intent of which the prisoner was convicted. In view of this doubt, and the subsequent behavior of the prisoner, he recommended a pardon.

No. 26. THOMAS W. RICKER. Convicted of robbery, Superior Court, Hampshire County, Dec. 29, 1882. Sentenced to State Prison for life. Pardoned Oct. 30, 1889. This was Ricker's first offence. His character previous to the commission of this crime had always been of the best. He was led into it by others, one of whom, the ringleader, escaped with the money, and has never been punished. The pardon was strongly urged by Mr. Abbey, the party robbed, who was convinced that the prisoner, if released, would never commit another crime, but would become a good citizen. His prison record had been perfect. He was relied on by the prison officials for all the aid to discipline and good behavior which a prisoner is capable of giving. The district attorney stated that, had he known at the time of the trial what he now knows regarding his previous character, he would have arranged the case so as to allow a sentence to be imposed in the discretion of the court.

No. 27. MERRICK L. AMSDEN. Convicted of being a common drunkard, Central District Court, Worcester County, July 22, 1889. Sentenced to the Massachusetts Reformatory on an indeterminate sentence. Pardoned Nov. 6, 1889, upon the recommendation of the prison commissioners. Amsden was forty-three years of age. Under the provisions of chapter 49, Acts of 1888, no person can be sentenced to the Massachusetts Reformatory who is above forty years of age. For this reason, and as there was some doubts about his guilt, the commissioners, after a thorough investigation of the case, requested that a pardon be granted.

No. 28. ROBERT YOUNG. Convicted of rape, Superior Court, Worcester County, Jan. 29, 1878. Sentenced to State Prison for life. Pardoned Nov. 7, 1889, on the recommendation of ex-district attorney Staples, — now one of the justices of the superior court, — who was the prosecuting officer, and Mrs. Sarah M. Reed, the complainant, on the grounds of the failing health of the



prisoner: that he was under the influence of liquor when the crime was committed, and that he had been sufficiently punished. Pardons.

No. 29. CHARLES S. BLAKE. Convicted of forgery, Superior Court, Worcester County, Jan. 29, 1886. Sentenced to State Prison for five years. Pardoned Nov. 14, 1889, on account of fatal illness. The prison physician certified that the prisoner was in an advanced stage of pulmonary consumption, with little or no prospect of improvement. He died a few weeks after his release.

No. 30. JOSEPH T. PRICE. Convicted of burning a building, Superior Court, Middlesex County, June 13, 1888. Sentenced to three years in House of Correction. Transferred to Worcester Lunatic Hospital, July 25, 1889. Pardoned Nov. 20, 1889. There was no reasonable probability of his becoming sane. He was placed in the custody of the Superintendent of In-door Poor, by whom he was returned to his home in England.

No. 31. JAMES J. DANIELS. Convicted of robbery, Superior Court, Suffolk County, May Term, 1884. Sentenced to State Prison for seventeen years. Pardoned Nov. 20, 1889, upon the recommendation of the district attorney, all of the jury, the injured party, and other prominent citizens knowing to the robbery, on the grounds that the prisoner had no counsel at the trial; that, previous to the commission of this crime, he had borne a good reputation; that he was led into committing the offence by another, who secured the money, escaped, and has never been captured; and that he had friends who were ready to give him immediate employment, and assist him in becoming a good citizen.

No. 32. CHARLES MASON. Convicted of rape, Superior Court, Hampden County, June 3, 1870. Sentenced to State Prison for life. Pardoned Nov. 28, 1889, as an act of executive clemency for Thanksgiving Day. The General Statutes under which he was sentenced provided as the only penalty for his offence a sentence of life. Less than a year after his sentence, the Legislature changed the statute and allowed a sentence for any number of years. Mason had served nearly twenty years, and it is not prob-

Pardons.

able that the same offence — which was not an aggravated one — would be punished by a longer term. He had been an orderly and trustworthy prisoner. It appeared evident that a pardon would be greatly for his good and in no way detrimental on grounds of public policy.

No. 33. WILLIAM A. MONTGOMERY. Convicted of murder, second degree, Supreme Judicial Court, Berkshire County, May 13, 1879. Sentenced to State Prison for life. Pardoned Nov. 28, 1889, as an act of executive clemency for Thanksgiving Day. After a careful examination of this case, the pardon committee were convinced that the prisoner, who was intoxicated at the time of the commission of the crime, did not contemplate any fatal consequences, and that manslaughter was the offence committed. His pardon had been urged by a large number of prominent persons, who had known him all his life, and who believed he was worthy of clemency.

No. 34. ISAAC B. SAWTELL. Convicted of rape, Superior Courts, Suffolk and Middlesex Counties. Sentenced to State Prison for thirty years. Pardoned Dec. 18, 1889. Sawtell was convicted in Suffolk County, Nov. 28, 1877, on a charge of rape, and sentenced to State Prison for fifteen years. On the 11th of March, 1878, he was taken from the State Prison to the Superior Court, Middlesex County, and convicted of the crime of rape upon another person, and sentenced to the State Prison for fifteen years, said sentence to take effect from and after the expiration of the former sentence. Deducting the time allowed for good behavior, his first sentence expired Nov. 28, 1889. The case in Middlesex County was tried by Judge Pitman, who says that it was not one having the circumstances of gross violence and outrage that sometimes attend this class of cases; and that, if the district attorney had not asked for a sentence, after the sentence that had been imposed in Suffolk County, he should have considered it a proper exercise of discretion on the part of the prosecuting officer. After several hearings and much investigation, the pardon committee became satisfied that the prisoner had wholly reformed, and would make a good citizen. For these reasons, and in view of his long imprisonment, the fact that he had always protested his innocence of the crime of which he was

convicted, and that, had he been properly defended at the trial, a lighter sentence would undoubtedly have been imposed, — a pardon was granted. Pardons.

No. 35. ANNIE MARTIN. Convicted of embezzlement, Municipal Court, Charlestown District, Dec. 13, 1889. Sentenced to pay a fine of thirty dollars and costs. Committed to House of Industry, in default of payment of same. Pardoned Dec. 27, 1889, upon the recommendation of the judge who imposed the sentence. The prisoner had six children under ten years of age, the youngest but six weeks old, who needed a mother's care. The crime consisted in secreting a twenty-dollar bill, which was found in the street by one of her children. She was in destitute circumstances, and utterly unable to pay the fine.

No. 36. JOHN CALLAHAN. Convicted of larceny, Municipal Court, Boston, Nov. 13, 1889. Sentenced to House of Correction for six months. Pardoned Dec. 27, 1889, on the recommendation of the complainant and the arresting officer. Callahan was convicted of the larceny of ten cents. He was intoxicated at the time, and this was his first offence. Considering his former good character, and that he had a large family who were dependent upon him for support, a pardon was granted.

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[To the Senate and House of Representatives, Jan. 23, 1890.]

I send you herewith, for your information and use, the report of the commissioners of the topographical survey of this Commonwealth for the year 1889.

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[To the Senate and House of Representatives, Feb. 4, 1890.]

I transmit to you herewith, for your information and use, certain documents, which have been received by this department from time to time, and which relate to the ownership of the Bunker Hill Monument, and to that of the grounds upon which it is situated.

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[To the Senate and House of Representatives, March 11, 1890.]

I have the honor to transmit to you herewith the invitation of the executive committee of the national encampment of the grand army of the republic for 1890, to the Commonwealth of Massachusetts, to participate in the reception and entertainment of that great body of veterans at their annual reunion in the city of Boston in the month of August next.

## SPECIAL MESSAGES.

[To the Senate and House of Representatives, March 27, 1890.]

I desire to call to your attention the condition of the State Prison, in relation to the accommodation which it provides for its present inmates, and which it has for those who are likely to be committed to it in the near future.

Under the provisions of section 4 of chapter 221 of the Public Statutes, "the Governor with the advice and consent of the Council may, from time to time, cause additional buildings to be erected, or alterations to be made in the existing buildings, so that there shall be at all times as many separate cells as there are convicts in the prison."

There are in this institution, as shown by a recent census, 593 prisoners. The number of its cells, exclusive of the rooms in the hospital and the rooms in the block used for solitary imprisonment, 586. Of this number, four being necessarily used for storage purposes, there are in the main prison but 582 cells available. In December, 1884, when the State Prison was established in Boston, 450 prisoners were brought from Concord. Should the ratio of increase in the number of its inmates be continued for a few months only, it will be impossible to accommodate the prisoners, unless the solitary block is used, or two men are put in one room, either of which plans would be open to serious objection. At present, but for the fact that some of the prisoners are in the hospital, it would be impossible to comply strictly with the requirements of the statute.

No relief can be expected by the release of prisoners on expiration of terms of sentence, as only about one hundred will be discharged in that manner during the year, and the commitments during the same time will undoubtedly largely exceed that number. Nor is it practicable to relieve the State Prison by transfers to the Massachusetts Reformatory, as the number of young men in the prison who could properly be transferred is very small. Moreover, the population of the reformatory is now increasing rapidly, so rapidly that undoubtedly in the near future it will be necessary to reserve all its room for those who are committed to it by the courts.

It devolves upon you to provide the means by which this lack of proper accommodation at the State Prison will be remedied, and the intention of the statute complied

with, this intention being in accord with the humane sentiment of the Commonwealth. To provide needed room, the north wing of the prison may be so extended as to furnish space for 160 additional cells, and in order that an estimate of the cost of this addition might be formed, the opinion of a firm of competent architects has been sought and obtained. They place the requisite expenditure at a little more than \$116,000. This estimate is based on the supposition that the work is to be done wholly by those outside the prison, and it includes the extension of the heating apparatus and the cost of all the labor and material, except the stone, which is already on the premises. As the foundation can be laid, and much of the iron work made by the prisoners, this estimate may be so reduced, I believe, that the direct expenditure from the treasury of the Commonwealth need not exceed \$75,000.

I submit the subject to you for your consideration, in order that if you agree with me as to the necessity of the work proposed, you may make the appropriation required therefor.

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[To the Senate and House of Representatives, May 15, 1890.]

I am informed by the commissioners appointed under the provisions of chapter 95 of the acts of the present year, to take measures to prevent the spreading and to secure the extermination of the gipsy moth, that an additional appropriation is needed to enable them to proceed with the work with the performance of which they are charged. This work has been found to be of much greater magnitude than was anticipated, the territory over which the insects have spread being some sixteen times as large as it was at first supposed to be.

Immediately upon their appointment, the commissioners entered actively into the performance of the duty imposed upon them, and they have diligently continued it. They have been obliged to employ a large force of men, and to incur considerable expense for material. They have already paid out \$12,000, and they estimate that by the middle of August next the prosecution of the work, if it is continued in the vigorous manner in which it has been begun, will have made necessary the expenditure of \$34,000; and that an additional sum will be required for the remainder of the year. They are of the opinion that

an appropriation of \$25,000 in addition to that now at their command should be made.

They will furnish you with the details of their expenditures up to the present time, and also of those which they believe should be made hereafter. Although these anticipated expenditures will exceed the amount which it was originally thought the work would require, I believe they will be fully warranted. If made at once they may save a much larger expense in the future, when the evil with which the commission is dealing, and which is rapidly spreading, will, if not promptly checked, have assumed much larger proportions.

It is due to the agricultural interests of the Commonwealth, already bearing many burdens, that every reasonable effort should be made to protect them against this new enemy by which they are menaced. I therefore commend the request of the commissioners to your favorable consideration.

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[To the Senate and House of Representatives, June 2, 1893.]

For three years the Commonwealth has had the right to discharge the sewage of the Reformatory Prison for Women into the main sewer of the town of Framingham, and this year the disposal of the prison drainage has been made mandatory.

For the performance of this work the sum of five thousand (\$5,000) dollars has been appropriated, the estimate of its probable cost having been based upon the statement of an engineer of the Boston Water Board. The commissioners for prisons having caused a survey to be made and specifications for the necessary construction to be prepared, advertised for proposals for the work, and in response they received ten bids. The lowest of these bids greatly exceeds in amount the money which the commissioners are authorized to expend, and unless an additional sum is granted them they will be unable to comply with the requirements of the law.

There is urgent necessity that this work should be done, and, that it may be done at once, I commend to your favorable consideration and action the request of the commissioners for an additional appropriation of three thousand (\$3,000) dollars, with which they are confident they can do all that the act of this year demands.

[To the Senate and House of Representatives, June 3, 1890.]

The Board of Education has called my attention to the fact that fire-escapes should be placed upon the boarding hall of the State Normal School at Westfield, and that such changes should be made in that building as will secure to its inmates adequate protection against fire. The work required for these improvements will involve an expenditure of fifteen hundred (\$1,500) dollars, and for this outlay no appropriation is available.

I recommend, therefore, that you place that amount at the command of the Board of Education, to be expended in such manner that the building may be provided with proper and sufficient safe-guards.

[To the Senate, June 28, 1890.]

I return to you herewith, with my objections, a bill entitled: "An Act to authorize the consolidation of gas and electric light companies." which originated in your body.

The bill allows the consolidation of both gas and electric companies, and of two or more gas companies or two or more electric companies in the same city or town. The union of a gas company with one or more electric light companies can now be practically effected under the provisions of chapter 385 of the Acts of the year 1887. This has already been done in many towns and cities, the gas company (when authorized by the Board of Gas and Electric Light Commissioners to engage in the business of furnishing electricity) having the right to purchase or lease the electric property and franchises then in use in its territory.

If the consolidation of gas and electric light companies is to be authorized by a general law, the exercise of this authority, in every case, should be made subject to the approval of some competent tribunal, whose duty it should be to consider the effect of the proposed consolidation upon the interests of the public. A union of companies in one town or city might be for the advantage of the people, but have the reverse effect in another, and the question as to whether it should take place should not be left to the determination alone of the stockholders of the consolidating companies, who would, naturally, make their own interests paramount to those of the public.

No such safeguard is provided by the bill. While it appears to give the Board of Gas and Electric Light Commissioners some supervision, it gives that board no authority to pass upon the expediency of the consolidation. It simply provides that the board shall *render an opinion* as to whether the provisions of the act have been complied with, and even this slight duty is to be performed at a stage of the proceedings when only a portion of the powers given by the act have been exercised. The advisability of a union of companies in any town or city presents a question which the board above named ought to be peculiarly qualified to consider and determine, and the authority so to do should, in my opinion, be given to it if the bill is to be enacted.

It is obvious that the bill, if it becomes law, will make a radical change in the existing policy of the Commonwealth in relation to the capital stock of such corporations, the manner in which it may be increased, and in which the shares shall be issued and paid for. For the purpose of comparison it will be useful to consider some of the present laws upon the subject. Section 47 of chapter 106 of the Public Statutes is as follows: "No note or obligation given by a stockholder, whether secured by pledge or otherwise, shall be considered payment of any part of the capital stock; but the capital stock shall be paid in, either in cash or in the manner provided in the two following sections." These sections authorize, upon certain conditions, the conveyance to the corporation of property, real or personal, at a fair valuation in lieu of cash.

When the capital stock of a gas company is increased, section 39 of the same chapter provides that "the new shares shall be sold and disposed of at public auction for the benefit of the corporation . . . and only such number of shares shall be issued as, when so sold and disposed of, will produce the amount necessary for the purpose for which such increase is authorized."

Section 18, chapter 105 of the Public Statutes provides that "no telegraph or gas-light company chartered under the laws of this Commonwealth shall declare any stock dividend, or divide the proceeds of the sale of stock among its stockholders; nor create any additional new stock or issue certificates thereof, to any person whatever,



*unless the par value of the shares so issued is first paid in cash to its treasurer.*" All certificates of stock issued in violation of the provisions of this section are made void, and the directors of the corporation issuing the same are made liable to a penalty of one thousand dollars each.

This bill is a wide departure from the principles upon which these statutes are based ; and as it provides in its ninth section that "all acts and parts of acts inconsistent with this act are hereby repealed," it is a question whether its enactment would not repeal them.

Under the provisions of the bill the capital stock of the new company is to be fixed by three appraisers. I do not find, however, that the appraisers are called upon to value the property of the companies, real or personal. They are not required even to value the shares. In a matter of so great importance it should be required that the appraisers be disinterested persons, and that they should be sworn to the faithful discharge of their duties. Neither of these requirements is made in the bill.

It is stated in the bill, section 4, "that the franchise of said companies shall not be construed as property for the purpose of valuation." But the valuation mentioned just above this provision in the bill is the valuation of the shares made by the Tax Commissioner. How it is to be known, and how and where it will appear that the value of the franchise is not included in this valuation, I am unable to understand. The bill provides further that the Commissioner of Corporations shall, "if requested so to do by twenty-five voters in said city or town, give such hearing as he may deem proper." But I fail to discern the purpose of the hearing or the subjects intended to be considered, or the power or discretion to be exercised in consequence thereof by the commissioner.

My chief objections to the bill relate to the restrictions in regard to the amount of stock which may be issued by the new company. These, in my opinion, are wholly inadequate. There are two limitations. First, the capital "shall not exceed by more than twenty-five per cent. the aggregate capital stock of the constituent companies *authorized* at the time of consolidation." Second, it shall not exceed "the fair cash valuation of the shares of the constituent corporations issued and outstanding at the time of consolidation as estimated by the Tax Commis-

sioner for the purposes of taxation on the first day of May next preceding such consolidation."

The first limit practically places no bar to the most reckless issue of stock. It not only permits but seems to invite it. The words "authorized at the time of consolidation" would allow the full amount of stock which the constituent companies in any event might issue under the Public Statutes, or under the special charters of the companies. Any gas company created by special charter prior to March 22, 1871, may increase its capital stock to an amount not exceeding one million dollars. Nearly all the larger gas companies in the State were chartered prior to that date. Each of the electric light companies, organized under the general law, may also increase its capital to a like amount. This bill allows a further increase of twenty-five per cent. over these amounts, and does not require any money, representing the additional capital stock, to be paid into the treasury for the use of the new corporation.

The inflation possible within the meaning of the clause "authorized at the time of consolidation" is forcibly illustrated by reference to the gas and electric companies in the city of Boston, the following tabulation showing the present capital, the authorized capital, and the possible increase:—

*The Boston Gas Companies.*

	Present Capital.	Authorized Capital.
Boston Gas Light Co., . . . . .	\$2,500,000	\$3,500,000
Dorchester Gas Light Co., . . . . .	400,000	1,000,000
Charlestown Gas Co., . . . . .	500,000	1,000,000
East Boston Gas Co., . . . . .	220,000	1,000,000
Jamaica Plain Gas Light Co., . . . . .	200,000	1,000,000
Roxbury Gas Light Co., . . . . .	600,000	1,000,000
South Boston Gas Light Co., . . . . .	440,000	1,000,000
Bay State Gas Co., . . . . .	500,000	2,500,000
Total, . . . . .	\$5,360,000	\$12,000,000

*Boston Electric Light Companies.*

Boston Electric Light Co., . . . . .	\$1,000,000	\$3,000,000
Edison Electric Illuminating Co., . . . . .	500,000	2,000,000
Total, . . . . .	\$1,500,000	\$5,000,000

*Recapitulation.*

Gas Companies' authorized capital, . . . . .	\$12,000,000
Electric Light Companies' authorized capital, . . . . .	5,000,000
	<hr/>
Total authorized capital, . . . . .	\$17,000,000
Add twenty-five per cent, . . . . .	4,250,000
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Total authorized capital under the limitation, . . . . .	\$21,250,000
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Gas Companies' present capital, . . . . .	\$5,360,000
Electric Light Companies' present capital, . . . . .	1,500,000
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Total, . . . . .	\$6,860,000
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Possible increase by the act over present capital, . . . . .	\$14,390,000

But these figures, large as they are, do not represent the full extent of the inflation possible under this limitation. They only represent the amount in the event that all the companies were consolidated at the same time. This need not be done, however. Two of them might unite, and the new company formed by this union afterwards unite with a third, and so on. Upon the first consolidation the authorized capital of the new company would be the aggregate of the capitals of the consolidated companies, with twenty-five per cent. thereof added. When the new company came to unite with the third company, this authorized capital would be added to that of the third and the amount might be further increased by the addition of twenty-five per cent. thereof. In other words, at each consolidation twenty-five per cent. of the sum of the authorized capitals of the combining companies might be added, so that when all were finally united the increase of the capital of the consolidated company over the present actual capitals of the companies named might be far in excess of the \$14,390,000. Doubtless the intention to proceed in this way would be disclaimed by the parties interested in the bill, but, in enacting it, it is important to consider possibilities as well as present intentions.

The second limit is scarcely less objectionable, in my opinion, than the first. The valuation of the shares by the Tax Commissioner for the purposes of taxation, ought not to form the basis of the capital stock. By chapter 13 of the Public Statutes it is provided that the Tax Commissioner shall ascertain, from the returns or otherwise, the true market value of the shares and shall estimate

therefrom the fair cash valuation of all of said shares on the first day of May next preceding, which shall be taken as the true value of the corporate franchise for the purposes of the chapter.

The basis for the issue of stock should be uniform among the companies and should be fixed, so far as possible, by the necessary outlay in the acquisition of real and tangible property. Companies which combine ought not, in this respect, to have an advantage over those which remain separate. The market value of the shares fluctuates. Accidents and unavoidable casualties may for a time depress it. At other times an over estimate of future business, or a too sanguine expectation of increased gains from a new invention or some novel process of manufacture, may advance the price of stocks in the market far beyond their intrinsic worth. Sometimes the accumulation of a surplus causes a rise in the market value of stocks.

By reference to the published balance sheets of the companies, more especially of the gas companies, which have been longer established, it will be seen that many of them carry a substantial reserve fund in some form. This is done in many cases for prudential reasons, arising in some measure from the risk of the business and for the purpose of readily meeting an unusual expenditure. As this surplus is gathered from the money collected from the sale of gas or electricity, and comes from the pockets of the consumers, it should be kept reasonably small. This result can always be reached by a reduction in the price charged for light. Whenever a considerable balance has been saved from the ordinary receipts of a company it is safe to assume that the stockholders have meanwhile received adequate dividends. In such a case it may fairly be said that the stockholders and the consumers have a mutual interest in the surplus. These companies are substantially public corporations. Light is a necessity in our dwellings and in our streets. It should be supplied at the lowest price which will yield a fair return upon the capital invested. There should be no unnecessary stock claiming dividends. As stated by the Gas Commissioners in their third annual report, "the capitalization of companies is an important factor in governing the price of gas. Fortunately in this State a large majority of the companies are conservative in this respect, and but few have watered their stock."

And in another report they say: "In this connection the capitalization, or the amount of capital employed in the enterprise, is an important element. It should be kept as low as possible. Needless outlay, by reason of competition, should be avoided and saved; for when it has been once incurred, and money paid and expended in enterprises not required to supply the public wants, so great is the expectation of gain and so persistent and unyielding the demands of capital for dividends, the remedy is not then easily found or applied, and the evil should be prevented at the outset by keeping the capitalization on the proper basis."

This basis is that fixed by the existing laws to which I have referred, and which require that the capital stock of a corporation shall be paid in, either in cash or its equivalent, before it commences business, and which prohibit the issue of new stock by a gas company, unless the par value of the shares is first paid in cash. To authorize the issue of such new stock without such payment is to authorize what is popularly known as stock watering. It does not increase the capacity of the company for enlarging or improving its service, because nothing is added to its treasury. It gives to those who are so fortunate as to receive the additional stock property for which they have not paid and upon which they expect to receive dividends. These additional dividends are to come from the pockets of the people. The burdens of the many are made heavier in order to swell the profits of the few. This, it seems to me, will be the effect of the bill under consideration.

The results of such legislation elsewhere are instructive upon this point. In the State of New York the law formerly provided that where two or more corporations consolidated the capital stock of the new company should not exceed the aggregate amount of the capitals of the consolidating companies. In 1884 this law was changed so as to allow the capital of the new company to equal in amount the fair aggregate value of the property, franchises and rights of the consolidating companies. Under this statute the gas companies of the city of New York consolidated. The New York Gas Company in entering the consolidation raised its capital stock from \$4,000,000 to \$7,560,000; the Manhattan from \$4,000,000 to \$11,940,000; the Metropolitan from \$2,500,000 to \$6,500,000. The other companies did the same, so that their aggre-

gate capital, which before consolidation amounted to \$17,000,000, was increased by the consolidation to \$39,078,000, or more than one hundred per cent. The result was that the people of New York city were obliged to pay dividends upon more than double the capital stock upon which they had previously paid. The committee appointed to investigate this consolidation by the New York Senate in 1886, in their report said: "If injustice has been done to the gas consumers of New York city it has been done by the Legislature in passing a law allowing consolidation to be effected in this manner."

I cannot give my sanction to an act upon which a similar charge of injustice to the gas consumers of Massachusetts may hereafter be founded. Believing that the bill in question is one of that character, that it gives, without proper safeguards, to corporations already enjoying great privileges, additional powers, which, however profitable they might be to their stockholders, would be detrimental to the interests of the people, I return it to your honorable body that it may receive your reconsideration.

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CHANGE OF NAMES.

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## 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.
<b>1889.</b>			
Jan. 7,	James I. Stevens,*	Thomas Francis Carr,	Newburyport.
14,	Agnes Meay,*	Hattie Evelyn Celley,	Boston.
14,	Parker Horne,*	Leonidas Palmer, Jr.,	Boston.
28,	William Haniford or Hanifen,	William Hannaford,	Boston.
28,	Catherine T. Haniford or Hanifen,	Catherine Theresa Hannaford,	Boston.
Feb. 4,	Mabel Swansholm,*	Marion Mabel Emery,	Boston.
11,	Adolphe Belot,*	Edmond Amede Drefus,	Boston.
18,	Frederick Raymond Kennedy,	Frederick Russell Bates,	Boston.
18,	Beulah Locke,*	Beulah Locke Wood,	Williamstown.
18,	Aloysius James Fenwick,	Aloysius James De Silva,	Boston.
25,	Bernadina Gamble,*	Mary Bernadina Donovan,	Boston.
25,	William Lynch,*	Henry Cecil Scott,	Boston.
Mar. 4,	William Sargent,*	Charles Franklin Morse,	Boston.
11,	Mary Mansey,*	Mary Josephine Ricker,	Boston.
11,	Romaine Nesly,*	Romaine Kaulbeck,	Boston.
18,	Agnes Welche,*	Agnes Welche Murphy,	—
18,	William H. Rafferty,	William Henry Haskell,	Boston.
25,	Walter Smith Fox,*	Walter Walker Byrne,	Boston.
25,	Willie Adams,*	Clarence Dodge Brickett,	—
25,	Hattie I. Winlow,*	Jenny Louisa Parker,	Boston.
25,	Margaret E. Ducott,*	Margaret May Thompson,	Boston.
25,	Louisa Caldwell,*	Margaret Bruce,	Boston.
April 8,	Margaret Agnes Lee,*	Myrtle Helen Wallace,	Boston.
8,	Luther R. Phipps,*	Charles Robert Brooks Haskell,	Boston.
8,	William Walter Boudreau,*	Charles Walter Graber,	Boston.
15,	Edward Joseph Meehan,*	Edward Oliver Oakes,	—
15,	Mary E. Henzle,*	Almeda Lane Ripley Colby,	Boston.
15,	Alice Galeucia,*	Alice Christiansen,	Boston.
23,	Lionel Fox,*	Lionel Fox Parker,	Boston.
23,	Clarence George,*	Charence Emerson George,	Boston.
29,	— Southwick,*	Alton Aldrich Howard,	Somerville.
May 15,	Harry J. Bumstead,*	Harry James Hollings, 2d,	Boston.
29,	Minerva E. Newton,	Minerva Evelyn Bacon,	Boston.
29,	Frank Frederick Carstens,*	Frank Frederick Ernst,	Boston.
June 3,	Kitty Jane Lane,	Katherine Jane Lane,	Boston.
3,	William B. Drake,	William B. Goodey,	Boston.
July 1,	Mary Spooner Gaut,	Mary Spooner White,	Boston.
1,	Anna Evelina Gaut,	Anna Evelina White,	Boston.
29,	Laura Morgan,*	Roberta Gertrude Campbell,	—
29,	Anne M. McIntosh,*	Annie May Smith,	Boston.
Aug. 19,	Edgar Jones,*	Meddie Brown,	Boston.
Sept. 3,	Joseph Wesley Hawkes,	Joseph Howard,	Boston.
3,	Harriet Fidelia Archibald,*	Harriet Fidelia Brown,	Ipswich.
30,	Hiram Alson,*	Stewart Dudley,	—

\* Changed by reason of adoption.

## SUFFOLK COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1889.</b>			
Sept. 30,	Josephine Horton,*	Josephine Dudley,	—
30,	Charles F. Clark,*	Charles F. Guptill,	Boston.
30,	Louise Radford,*	Louise Grace Emery,	Boston.
30,	May Prospect,*	Mary Elgie Amidon,	—
30,	Miles B. Sinnott,*	Miles Sanborn Ginn,	Boston.
30,	Harry Chase,*	Harry Chase Knight,	—
30,	James McGann,*	William J. Schaffer,	—
30,	Mary Kelley,*	Bessie Lelia Town,	Chelsea.
30,	George Wellington,*	John Alfred Kaveney,	—
Oct. 7,	Sarah Grace Hyppson,*	Grace Upton,	Boston.
14,	John H. Cunningham,	John Henry Lial,	Boston.
21,	Charles E. Hewitt,*	Charles Ellsworth Thayer,	Boston.
Nov. 11,	Julia Myrtle Newcomb,	Myrtle Julia Newcomb,	Boston.
11,	Eva Nixon,*	Eva Bailey,	Boston.
18,	Lorenzo A. Maynard, Jr.,	Lawrens Maynard,	Boston.
25,	Florence E. Jackson,*	Florence E. Hammond,	Boston.
Dec. 2,	Peter Thomas,	Peter James Thomas,	Chelsea.
9,	Mary Williams,*	Mary Conntee,	Boston.
16,	Mary Collins,*	Dorothea Mildred Jenne,	Boston.
16,	Beatrice Pearce,*	Beatrice Wright,	Somerville.
16,	Gertrude L. Comstock,*	Gertrude Lenora Hall,	—
16,	John Angus Livingston,*	John Angus McDonald,	Boston.
23,	Theodore Harold,	Theodore Harold Clapp,	Chelsea.
23,	Mary S. R. Harold,	Mary Stewart Robinson Clapp,	Chelsea.
23,	Stewart Harold,	Stewart Harold Clapp,	Chelsea.
30,	Mae Guiditta Allen,	Mae Guiditta Daley,	Boston.

## ESSEX COUNTY.

Jan. 7,	Andrew D. Blanchard,	Denman Blanchard,	North Andover.
7,	Mary I. Brotherton,*	Mary Isabel Fountain,	Gloucester.
21,	Neda Frances,*	Ramona Frances Hadley,	Somerville.
28,	Aene Cox,*	Sylvia May Putnam Hollis	Boston.
Feb. 4,	William Burton Bamford	William Burton Collins,	Newbury.
4,	Susan Bamford,	Susan Collins,	Newbury.
18,	Lanie M. Porter,*	Lanie May Barker,	Easton.
18,	Mamie Reed,*	Mary Roach,	Boston.
Mar. 4,	Flora G. Lewis,*	Flora Gertrude March,	Lynn.
4,	Darry A. Thompson,*	Harry Augustus Townes,	Salem.
11,	John Highland,*	John Crawford Bunker,	Boston.
11,	Daisy Howe,	Margaret Howe,	Danvers.
18,	Henry J. Henley,*	Henry Jasper Harriman	Peabody.
April 1,	Lucy Dawson,*	Lucy Conners,	Salem.
1,	Sarah A. Foster,*	Sarah Alice Colesworthy,	Essex.
1,	Mattie R. Pevere,*	Abce Maeline Small,	Boston.
1,	Viola P. Kitson,*	Edwina Addie Allard,	Lawrence.
8,	Ralph C. Stockbridge,*	Ralph Cobb Eaton,	Haverhill.
15,	Guy E. W. Newton,*	Guy Edgar Weston Leighton,	Montpelier, Vt.
May 6,	Charles H. Heath,*	Philip Sidney Williams,	Boston.
13,	Jennie M. Clark,*	Jennie May Parsons,	Gloucester.
20,	Sarah Anderson,*	Ethel Crawford Fiske,	Boston.
27,	James M. Smith,	James Wheatland Smith,	Salem.
June 3,	Joseph Greenberg,	Joseph Green,	Lawrence.
3,	Ralph C. Stewart,*	Ralph Cyr Heath,	Lynn.
3,	Augustine Brisbois-St. Pierre,*	Augustine Brisbois,	Salem.
10,	Ruth Crowell,*	Blanche Bell Purbeck,	Boston.
17,	Ella Agnes Casey,*	Ella Dixon,	Lawrence.
17,	Gilbert Foster,*	Gilbert Foster Fogg,	Salem.
17,	Florence M. Carter,*	Florence Miner Swain,	Laconia, N. H.
July 1,	William Bailey Miller,*	William Miller Hilliard,	Lawrence.
Aug. 5,	Emma E. N. Coomes,*	Emma Elizabeth Nason,	Gloucester.
5,	Francis D. Foster,*	Frank Dudley Foster,	North Andover.
Sept. 9,	Grace B. Cunningham,*	Grace Blanche Ordway,	Boston.

\* Changed by reason of adoption.

# CHANGE OF NAMES.

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## ESSEX COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1889.</b>			
Oct. 7,	Teresa Crimmings,*	Teresa Rau,	Lawrence.
7,	Eliza Larvery,*	Eliza Martineau,	Lawrence.
7,	William W. Leary,*	Willis Howes Allen,	—
7,	Charles A. Martin,*	Charles Albert Russell,	Gloucester.
7,	Sarah Ryan,*	Sarah Mary Gillis,	—
7,	Emily B. Jackson,	Emily B. Goodwin,	Salen.
21,	Mette Johnson,*	Mette Christina Nelson,	Newburyport.
Nov. 4,	Maggie M. Flaherty,*	Helen Josephine Blood,	Boston.
18,	Maud L. Swett,*	Lillian Cassidy,	Stoneham.
Dec. 2,	Ina Ray Hall,*	Ina Ray Taylor,	Lynn.
2,	Joseph Lawrence,*	Joseph Lawrence Clifford,	Boston.

## MIDDLESEX COUNTY.

Jan. 1,	Edith Maud Danmery,*	Edith Maud Newcomb,	Cambridge.
8,	Laura Noble,*	Laura Alton Howe,	Marlborough.
8,	Arthur Grover,*	Arthur Jenkins Upham,	Melrose.
15,	Ada Hawksley,*	Ada Amelia Hodgson,	Lowell.
22,	Lottie Alberta Treacartin,*	Lottie Louisa Doyle,	Marlborough.
Feb. 5,	Lulu Marion Whittey,*	Lulu Marion Dix,	Boston.
5,	Chester Arthur Geldert,*	Chester Arthur Penney,	Cambridge.
5,	Thomas William Adams,	Charles Thomas Reach,	Melrose.
12,	Charles Herbert Milligan,*	Charles Herbert Webster,	Cambridge.
26,	Martha Dailey,*	Annie Murdock Houston,	Cambridge.
26,	Joseph Roza,*	Joseph Silva,	Cambridge.
26,	Walter Mahan,	Walter Hermann,	Cambridge.
Mar. 5,	Abbie Louisa Wheeler,	Abbie Louisa Walker,	Marlborough.
2,	Edna Marguerite Robinson,*	Edna Marguerite Mackinnon,	Boston.
April 9,	Estella Cressey,*	Estella Cressey Gragg,	Boston.
7,	William Frederic Hurd, Jr.,	Frederic William Hurd,	Concord, Me.
May 7,	Moses Hoyt Sargent Morse,	Sargent Morse,	Somerville.
7,	Mary Williams,*	Mertie Belle Etter,	Hopkinton.
14,	Leroy Taylor Prosser,*	Charles Anthony Hillers,	Malden.
14,	Patriek Lynch,*	James Atwood McVane,	Cambridge.
14,	James Conley Burke,*	Edward Andrew Marshall,	Newton.
14,	Arthur Herman,*	Arthur Percy Lawrence,	Ashby.
28,	George E. Waterhouse,	George Edwin Marsh,	Somerville.
28,	Anna S. Waterhouse,	Anna Stella Marsh,	Somerville.
June 11,	Mary E. Sullivan,*	Dulah Catherine Miller,	Townsend.
11,	John Francis Burns,*	John Francis Kirley,	Cambridge.
25,	Mary Holman Allen,	Mary Holman Avery,	Somerville.
25,	Lizzie M. Buzzell,	Elizabeth Mary Buzelle,	Holliston.
25,	William Bradford Buzzell,	William Bradford Buzelle,	Holliston.
25,	Fannie Belle Buzzell,	Frances Mary Buzelle,	Holliston.
July 2,	Helen May Lawrence,*	Rebecca Jordan Chany,	Belmont.
9,	Richard Burke,*	Richard Irving Maynard,	Hudson.
9,	Emma Louisa Warren,*	Emma Louisa Ireland,	Somerville.
23,	Ethel G. Blaisdell,*	Ethel Monroe,	Carlisle.
23,	Ada Louise Parker,*	Ada Louise Mathason,	Lowell.
Sept. 3,	Ralph Windid Garland,*	Ralph Garland Starbird,	Boston.
3,	Sarah Ann Nutting,*	Sarah Ann Morrison,	Lowell.
3,	Harriet Elizabeth Clark,	Katherine Hall Clark,	Reading.
10,	Carrie Black,*	Carrie Elizabeth Frost,	Ware, N. H.
10,	Bertha Bennett,*	Bertha Bennett Bacon,	Boston.
10,	Dora Archibald,*	Dora Isabel Marston,	Ipswich.
24,	Maud Sinclair,*	Maud Sinclair Tower,	Boston.
24,	Julia West,*	Julia West Hurley,	Malden.
Oct. 1,	Waldo Harper,*	Fred Waldo Wheaton,	Waltham.
8,	Mary R. Stewart,*	Mary Agnes Mahoney,	Cambridge.
8,	Arthur Brown,*	Arthur Sanborn Collieson,	Somerville.
8,	Edith Morton,*	Edith Ellen Denno,	Cambridge.
8,	Martha Thompson Adams,*	Martha Mead,	Manchester, N. H.

\* Changed by reason of adoption.

## MIDDLESEX COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1889.</b>			
Oct. 22	Martha L. Demeritt,*	Helen Edgecomb Abbott,	Conway, N. H.
22	Albert Joseph Donnelle,	Albert Joseph Kingsbury,	Lowell.
22	Katie Belle Donnelle,	Katie Belle Kingsbury,	Lowell.
22	Willoughby Kingsbury Donnelle,	Willoughby Joseph Kingsbury,	Lowell.
22	Margaret Jane Donovan,	Jessie Margaret Jones,	Cambridge.
Nov. 6	Maud Bannister,*	Lila Maud True,	Woburn.
12	Thomas Edward James,*	Thomas Edward Bywater,	Groton.
26	Jesse Fisher Mattetall,*	Jessie Mattetall Stevens,	Malden.
26	Willie Wilmot alias Willie Hanlon,*	William Cameron,	Dracut.
Dec. 3	Hattie Harris,*	Hattie Wilson,	Chelmsford.
17	Mary Ellen Whitford,*	Ellen Dillon,	Wakefield.

## WORCESTER COUNTY.

Jan. 1	Nellie Whitman Curtis,	Elnora Whitman Curtis,	Worcester.
1	Rebecca Leavins Rogers,	Rebecca Leavins Field,	Worcester.
18	Minnie Nourse,*	Florence May McDonald,	Athol.
22	Sarah Harriet Joddrell,*	Sarah Harriet Bardsley,	Fitchburg.
Feb. 19	Camilla Louise Brewer,	Camilla Louise Whitney,	Worcester.
26	Ettie Lees Dole,	Dorothy Lees Dole,	Winchendon.
26	Eben Pierce,	Eben F. Pierce,	Leominster.
Mar. 15	Nellie Gannon,*	Nellie Hannigan,	Milford.
April 2	Joseph King,*	George Thomas,	Uxbridge.
5	Grace C. Lynch,*	Grace Helen Angier,	Southborough.
May 14	Gabriel Jacobs,*	Ralph Bertrand Kendall,	Winchendon.
21	Clinton Davis,	George Clinton Davis,	Worcester.
21	Ella L. Carter,	Ella L. Richardson,	Dana.
28	Jennie Irene Moore,*	Jennie Lewella Young,	Worcester.
28	Sarah C. Bablitt,*	Sadie Estelle Tenney,	Gardner.
June 18	Mamie Finn,*	Gracie A. Fairbanks,	Milford.
18	Jennie Alice Sage,*	Genevieve Alice Reynolds,	Southbridge.
July 5	May Jordan,*	Jessie May Brodgen,	Leominster.
Aug. 15	Louis Hebert,*	Napoleon Louis Morin,	Worcester.
20	Gertrude Adeline Barrows,*	Gertrude Adeline Shaw,	Athol.
Sept. 3	Arthur Nye McClintock,*	John Edwin Barlow,	Hardwick.
3	Essie M. Decker,*	Essie May Thurber,	Worcester.
3	Grace Isabelle Cooper,*	Grace Isabelle Harris,	Worcester.
10	Harriet Louise Landers Jeffers,	Minnie Harriette Jeffers,	Milford.
17	Jennie Perham,*	Jennie Alice Howard,	Milford.
17	Thomas Edward Coley,*	Thomas Edward Jenkins,	Worcester.
Oct. 15	Eliza Aleda Richards,*	Ruth Estelle Washburn,	Winchendon.
15	William Augustus Russell Pearson,	William Augustus Russell,	Worcester.
18	William Edward Ellingham,*	Robert Wallace Scott,	Worcester.
22	Ethel Venova Gates,*	Ethel Venova McMullen,	Fitchburg.
Nov. 6	Fanny Elizabeth Johnson,*	Edna Colleen Oliver,	Athol.
19	Alice Paine,*	Nina Gertrude Putney,	Worcester.
19	Cora Adelia Davis,	Hattie May Waterman,	Athol.
26	Walter E. Avery,	Walter E. Green,	Leominster.

## HAMPSHIRE COUNTY.

Jan. 1	George Andrew Clink,*	George Andrew King,	Easthampton.
Feb. 5	Clifford McMann,*	William Robinson Pillsbury,	Northampton.
12	Lora Elbery,*	Lilly Paternande,	Ware.
March 5	Lottie L. Riley,*	Lillie L. Adams,	South Hadley.
April 2	Valma Louise Roberts,*	Lizzie Louise Pyncheon,	South Hadley.
June 4	Frances Clementina Nahmer,	Clementina Dawes Nahmer,	Cummington.
Aug. 6	— Fox,*	Lincoln Allen Stewart,	Worthington.
Nov. 6	William Henry Baker,*	William Henry Hamilton,	South Hadley.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

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## HAMPDEN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1889.</b>			
Feb. 25,	Philip Newton,*	Chas. Stafford Myron Blake,	Westfield.
April 3,	Bessie Mand,*	Bessie Maud Fuller,	Ludlow.
3,	Minnie Sherman,*	Minnie May Butler,	Springfield.
May 9,	Frieda Clara Hetwig Baerneck,*	Winnifred Elizabeth Poskey,	Springfield.
June 29,	Edna Price,*	Edna Nellie Drown,	Springfield.
July 3,	Annie Rickey,*	Annie O'Callahan,	Chicopee.
Sept. 4,	Albert Arthur Crocker,*	Albert Arthur Green,	Springfield.
Oct. 2,	Frederick Miller,*	Frederick Miller Simons,	Wilbraham.
16,	Marion Belle Parks,*	Marion Belle Bray,	Springfield.
Nov. 2,	Edith Olive Morgan,*	Edith Olive Rising,	Springfield.
2,	Richard Beach Morgan,*	Richard Beach Rising,	Springfield.
2,	Alice Louisa Arms,*	Alice Louisa Tice,	Holyoke.
27,	Laura E. Miller,*	Grace Elizabeth Bullard,	Springfield.
27,	Marianne Althea Hawes,*	Eldora Annie Winter,	Springfield.
Dec. 4,	Clara Elizabeth Wheeler,*	Clara Elizabeth Doherty,	Monson.
4,	Florence Belle Wheeler,*	Florence Belle Remington,	Palmer.
7,	Clara Bristol,*	Mildred Estelle Jencks,	West Springfield.

## FRANKLIN COUNTY.

Jan. 1,	Mary E. O'Brien,*	Mary E. Keyes,	Springfield.
May 7,	Walter H. Woods,*	Walter W. Beaman,	Leverett.

## BERKSHIRE COUNTY.

Jan. 1,	Margaret Reor,*	Margaret Lynch,	Pittsfield.
1,	Joseph Reor,*	Joseph Lynch,	Pittsfield.
1,	Hilie May Miller Carter,	Frances Mary Carter,	Otis.
March 5,	Katherine B. Davids,*	Katherine Burr Burlingame,	Adams.
5,	Anna Hester,*	Anna Shepard,	Sandisfield.
5,	Eva La Rue,*	Eva Gaudette,	North Adams.
6,	Frank Joel Jones,*	Frank John Lowman,	North Adams.
May 7,	Edmund Williams,*	Joseph Eben Cox,	North Adams.
7,	Millie Aline Crandell,*	Aline Millie Howes,	North Adams.
7,	Stella May Kent,*	Stella May Walker,	North Adams.
June 4,	Mary Ludwig,*	Mary Wehner,	Adams.
19,	Hattie L. Strang,	Hattie L. Langdon,	Great Barrington.
July 16,	Walter E. Duxbury,*	Walter Everett Scott,	Williamstown.
16,	Gertrude M. Pratt,*	Parmelia DeMary,	Pittsfield.
16,	Frank L. Pratt,*	Charles DeMary,	Pittsfield.
Oct. 3,	Lillie May Hurd,*	Lillian May Jewett,	North Adams.
3,	Nellie Collins,*	Mary Maud Griffin,	North Adams.
Dec. 3,	William Frederic Rackemann,	Wilfred Rackemann,	Lenox.
3,	Mary Prairie,*	Mary Yarter,	North Adams.

## NORFOLK COUNTY.

<b>1888.</b>			
Mar. 21,	Charles Frederic Jenks,	Charles Fitch Jenks,	Canton.
<b>1889.</b>			
Jan. 2,	Everett Carson,*	Everett Frederick Reynolds,	Boston.
6,	Bella Weld,*	Bella Celia Porter,	Stoughton.
Mar. 6,	Austin St. Clair Matthews,*	Lawrence Earle Braddon,	Hyde Park.
13,	Georgiana Perry,*	Gertrude Georgianna Drake,	Stoughton.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

## NORFOLK COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1889.</b>			
Mar. 20,	Nellie Elizabeth McCarty,* . . . .	Nellie Elizabeth Murphy, . . . .	Cambridge.
20,	Lillian May Day,* . . . . .	Lillian May Daniels, . . . . .	Dedham.
May 8,	Frederick Augustus Ely, . . . . .	Frederick David Ely, . . . . .	Dedham.
15,	Helen Holmes,* . . . . .	Marjory Matthewson, . . . . .	Wrentham.
15,	Charles McNeil,* . . . . .	Charles Thomas Porter, . . . . .	Quincy.
June 5,	Abbie Theodate Raymond, . . . . .	Abbie Theodate Fuller, . . . . .	Quincy.
5,	Josephene Hunter,* . . . . .	Josephene Haff-mill, . . . . .	Norwood.
12,	Ann Griffiths,* . . . . .	Ann Griffiths Williams, . . . . .	Quincy.
19,	Joseph Wallace,* . . . . .	Joseph Ambrose Maginnis, . . . . .	Medway.
Sept. 4,	Raymond Webster Guild,* . . . . .	Raymond Webster Proctor, . . . . .	Franklin.
Oct. 16,	Mary Conway,* . . . . .	Marion Estelle Churchill, . . . . .	Stoughton.
16,	Anita Warren,* . . . . .	Gladys Atwood Drake, . . . . .	Stoughton.
23,	George Alton Besse,* . . . . .	Alton George Michaels, . . . . .	Milton.
Nov. 20,	Frank Seaver Kelton, . . . . .	Frank Seaver Harding, . . . . .	Millis.
27,	Jennie Higgins,* . . . . .	Jennie Catherine Walters, . . . . .	Quincy.

## PLYMOUTH COUNTY.

Jan. 14,	Bertha Florence King Atwood, . . . . .	Bertha Atwood Wells, . . . . .	Plymouth.
April 8,	Roderick Hall, . . . . .	Roderick Douglass Hall, . . . . .	Bridgewater.
May 13,	Mary Graham, . . . . .	Mabel Frances Ewell, . . . . .	Marshfield.
27,	Frank Weatherhead, . . . . .	Myron Henry Peniman, . . . . .	Middleborough.
July 8,	Henry Herbert Gonsalus, . . . . .	Henry Herbert Vaughan, . . . . .	Carver.
Sept. 9,	(No name given), . . . . .	Florence Maude Marble, . . . . .	Brockton.
23,	Edward B. McInness, . . . . .	Sylvanus E. Ross, . . . . .	Rochester.
Nov. 11,	(No name given), . . . . .	Mary Annie Magoun, . . . . .	Marshfield.
Dec. 23,	Clarissa Arnold, . . . . .	Alice Mildred Fuller, . . . . .	Brockton.

## BRISTOL COUNTY.

Jan. 4,	Etta May Parlow,* . . . . .	Etta May Braley, . . . . .	Taunton.
Feb. 1,	Norbert Vincent,* . . . . .	Norbert Kobillard, . . . . .	Fall River.
1,	Samuel Koneche, . . . . .	Samuel Koneche Grover, . . . . .	North Attleboro'.
April 5,	Marie D. Gannon,* . . . . .	Marie D. Payson, . . . . .	Norton.
May 3,	Grace Evelyn Perry,* . . . . .	Grace Evelyn Weiman, . . . . .	North Attleboro'.
3,	Emma Littlefield,* . . . . .	Lucy Emma Williams, . . . . .	Taunton.
3,	John Craig,* . . . . .	John Craig Gardner, . . . . .	Swansea.
3,	Henry Augustus Chute,* . . . . .	Henry Augustus Taber, . . . . .	North Attleboro'.
3,	William Henry McCormack,* . . . . .	John William Brown, . . . . .	Fall River.
3,	Mary Jenette Folger,* . . . . .	Mary Jenette Rogers, . . . . .	Taunton.
17,	Henry Marklevitch, . . . . .	Henry Leavitt, . . . . .	Fall River.
July 5,	Mary Hogan, . . . . .	Mary Sutcliffe, . . . . .	Fall River.
Oct. 4,	Emma Pollard,* . . . . .	Gertrude May Royal, . . . . .	Fall River.
Nov. 1,	Annie J. Sullivan,* . . . . .	Marie Aunette Parsons, . . . . .	New Bedford.
1,	Elsie Gertrude Dahl,* . . . . .	Elsie Gertrude Whitworth, . . . . .	New Bedford.
15,	Lillie Edith Astle,* . . . . .	Edith Orton, . . . . .	Fall River.

## BARNSTABLE COUNTY.

June 18,	Ethel May Pierce, . . . . .	Ethel May Baker, . . . . .	Yarmouth.
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## NANTUCKET COUNTY.

April 11,	Harrison Gardner, . . . . .	Harrison G. Gardner, . . . . .	Nantucket.
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\* Changed by reason of adoption.

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THE  
CIVIL GOVERNMENT

OF THE  
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH  
FOR THE POLITICAL YEAR

1890.

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# EXECUTIVE DEPARTMENT.

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HIS EXCELLENCY

JOHN Q. A. BRACKETT,

GOVERNOR.

SAMUEL J. MENARD . . . . . *Private Secretary.*  
EDWARD F. HAMLIN . . . . . *Executive Clerk.*

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HIS HONOR

WILLIAM H. HAILE,

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.—BYRON TRUCELL . . . . . Lawrence.  
VII.—WILLIAM ABBOTT . . . . . Douglas.  
VIII.—ASHLEY B. WRIGHT . . . . . North Adams.

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HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.*      GEORGE G. SPEAR, *2d Deputy.*

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*—HENRY H. SPRAGUE.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Benjamin F. Campbell, . . .	Boston.
Second " . . .	George H. Gammans, . . .	Boston.
Third " . . .	Edward J. Donovan, . . .	Boston.
Fourth " . . .	James Donovan, . . .	Boston.
Fifth " . . .	Henry H. Sprague, . . .	Boston.
Sixth " . . .	Michael J. Creed, . . .	Boston.
Seventh " . . .	Charles Carleton Coffin, . . .	Boston.
Eighth " . . .	William H. Carberry, . . .	Boston.
Ninth " . . .	William H. Goodwin, . . .	Boston.
First Essex, . . .	Arthur B. Breed, . . .	Lynn.
Second " . . .	Simeon Dodge, . . .	Marblehead.
Third " . . .	Aaron Low, . . .	Essex.
Fourth " . . .	Alden P. Jaques, . . .	Haverhill.
Fifth " . . .	George D. Hart, . . .	Lynn.
Sixth " . . .	Joseph M. Bradley, . . .	Andover.
First Middlesex, . . .	James F. Dwinell, . . .	Winchester.
Second " . . .	Henry J. Hosmer, . . .	Concord.
Third " . . .	Freeman Hunt, . . .	Cambridge.

District.	Name of Senator.	Residence.
Fourth Middlesex.	William N. Davenport,	Marlborough.
Fifth "	Moses P. Palmer,	Groton.
Sixth "	Alonzo H. Evans,	Everett.
Seventh "	Edward M. Tucke,	Lowell.
First Worcester.	Henry L. Parker,	Worcester.
Second "	Lucius Field,	Clinton.
Third "	Charles Haggerty,	Southbridge.
Fourth "	Alfred S. Pinkerton,	Worcester.
Worcester and Hamp- shire,	Charles E. Stevens,	Ware.
First Hampden.	Edwin D. Metcalf,	Springfield.
Second "	Oscar Ely,	Holyoke.
Franklin,	Edwin Baker,	Shelburne.
Berkshire,	Oliver W. Robbins,	Pitt-field.
Berkshire and Hamp- shire,	Alfred S. Fassett,	Gt. Barrington.
First Norfolk,	Willard F. Gleason,	Holbrook.
Second "	George Makepeace Towle,	Brookline.
First Plymouth,	Hiram A. Oakman,	Marshfield.
Second "	James H. Harlow,	Middleborough.
First Bristol,	Cyrus Savage,	Taunton.
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.*

## HOUSE OF REPRESENTATIVES.

*Speaker* — WILLIAM E. BARRETT.

## COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Frederick B. Day, . Joseph B. Maccabe, .	Boston. Boston.
2d,	Boston, Ward 2,	{ Patrick J. Kennedy, Thomas O. McEnaney	Boston. Boston.
3d,	Boston, Ward 3,	{ J. Homer Edgerly, . Michel J. Mitchell,	Boston. Boston.
4th,	Boston, Ward 4,	{ Winfield F. Prime, . Ira A. Worth, .	Boston. Boston.
5th,	Boston, Ward 5,	{ Edward W. Presho, . George N. Swallow,	Boston. Boston.
6th,	Boston, Ward 6,	{ John F. Gillespie, . Richard M. Barry, .	Boston. Boston.
7th,	Boston, Ward 7,	{ Patrick Cannon, . Daniel McLaughlin,	Boston. Boston.
8th,	Boston, Ward 8,	{ John H. Sullivan, . Joseph P. Lomasney,	Boston. Boston.
9th,	Boston, Ward 9,	{ Frank Morison, . Andrew B. Lattimore,	Boston. Boston.
10th,	Boston, Ward 10,	{ Nathaniel W. Ladd, . Edward Sullivan, .	Boston. Boston.
11th,	Boston, Ward 11,	{ George P. Sanger, Jr., Frank E. Winslow, .	Boston. Boston.
12th,	Boston, Ward 12,	{ James B. Hayes, . James J. Burke, .	Boston. Boston.
13th,	Boston, Ward 13,	{ Michael J. Moore, . Jere'h J. McNamara,	Boston. Boston.
14th,	Boston, Ward 14,	{ Robert F. Means, . George H. Bond, .	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, . . .	Boston.
		{ John B. Lynch, . . .	Boston.
16th,	Boston, Ward 16,	{ Jeremiah Desmond, . . .	Boston.
		{ Everett Allen Davis, . . .	Boston.
17th,	Boston, Ward 17,	{ Robert H. Bowman, . . .	Boston.
		{ Alpheus Sanford, . . .	Boston.
18th,	Boston, Ward 18,	{ John Albree, . . .	Boston.
		{ Augustus G. Perkins, . . .	Boston.
19th,	Boston, Ward 19,	{ Willis R. Russ, . . .	Boston.
		{ Lewis G. Grossman, . . .	Boston.
20th,	Boston, Ward 20,	{ Michael J. McEttrick, . . .	Boston.
		{ John H. McDonough, . . .	Boston.
21st,	Boston, Ward 21,	{ Henry S. Dewey, . . .	Boston.
		{ Francis W. Kittredge, . . .	Boston.
22d,	Boston, Ward 22,	. . . John E. Heslan, . . .	Boston.
23d,	Boston, Ward 23,	{ Pelatiah R. Tripp, . . .	Boston.
		{ William G. Baker, . . .	Boston.
24th,	Boston, Ward 24,	{ Henry P. Oakman, . . .	Boston.
		{ Thomas W. Bicknell, . . .	Boston.
25th,	Boston, Ward 25,	. . . James W. Harvey, . . .	Boston.
26th,	Chelsea, Wards 1,2,3,	{ Franklin O. Barnes, . . .	Chelsea.
		{ David E. Gould, . . .	Chelsea.
27th,	{ Chelsea, Ward 4, . . .	} Willard Howland, . . .	} Chelsea.
	{ Revere, . . .		
	{ Winthrop, . . .		

COUNTY OF ESSEX.

1st,	{ Salisbury, . . .	} Herbert O. Delano, . . .	} Merrimac.
	{ Amesbury, . . .		
	{ Merrimac, . . .		
	{ West Newbury, . . .		
2d,	{ Haverhill, Wards 1, } . . .	} Henry H. Johnson, . . .	} Haverhill.
	{ 2, 4, 6, . . . } . . .		

## HOUSE OF REPRESENTATIVES.

## COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Haverhill, Wards 3, } 5, . . . . . }	William R. Rowell, .	Methuen.
	{ Methuen, . . . . . }	Martin L. Stover, .	Haverbill.
	{ Bradford, . . . . . }		
4th,	{ Lawrence, Wards 1, } 2, 3, . . . . . }	John O'Brien, . .	Lawrence.
		John F. Howard, .	Lawrence.
5th,	{ Lawrence, Wards 4, } 5, 6, . . . . . }	Richard A. Carter, .	Lawrence.
		John H. Hulford, .	Lawrence.
6th,	{ Andover, . . . . . }	Charles Greene, .	Andover.
	{ North Andover, . . }		
7th,	{ Groveland, . . . . . }	John Parkhurst, .	Boxford.
	{ Georgetown, . . . . }		
	{ Boxford, . . . . . }		
	{ Topsfield, . . . . . }		
8th,	{ Newburyport, Wards } 1, 2, 3, 4, 5, 6, . }	Arthur C. Richardson,	Newburyport.
	{ Newbury, . . . . . }	Luther Dame, . .	Newbury.
9th,	{ Rowley, . . . . . }	Frank T. Goodhue, .	Ipswich.
	{ Ipswich, . . . . . }		
	{ Hamilton, . . . . . }		
	{ Wenham, . . . . . }		
10th,	{ Gloucester, Wards } 1, 3, 4, 5, 6, 7, 8, . }	Edgar S. Taft, . .	Gloucester.
	{ Essex, . . . . . }	Epes Davis, . . .	Gloucester.
	{ Manchester, . . . . }	Isaac N. Story, .	Gloucester.
11th,	{ Gloucester, Ward 2, } Rockport, . . . . }	James S. Wallace, .	Rockport.
12th,	Beverly, . . . . .	William D. Sobier, .	Beverly
13th,	Salem, Wards 1, 2, .	Benjamin P. Pickering,	Salem.
14th,	Salem, Wards 3, 5, .	William E. Meade, .	Salem.
15th,	Salem, Wards 4, 6, .	William H. Stearns,	Salem.
16th,	Marblehead, . . . .	Benjamin Day, . .	Marblehead.
17th,	{ Swampscott, . . . . }	John J. Salter, . .	Lynn.
	{ Lynn, Wards 2, 3, . }	Edwin A. Tibbetts, .	Lynn.

HOUSE OF REPRESENTATIVES.

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COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	{ Lynn, Ward 4, . . } { Nahant, . . . . }	Charles H. Baker, . 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, Alonzo Penney, .	Lynn. Lynn.
21st,	Peabody, . . . .	Stephen S. Littlefield,	Peabody.
22d,	{ Danvers, . . . . } { Middleton, . . . }	Robert K. Sears, .	Danvers.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards } { 1, 5, . . . . }	Otis S. Brown, . William B. Durant,	Cambridge. Cambridge.
2d,	Cambridge, Ward 2, {	Horace E. Clayton, Andrew J. Rady, .	Cambridge. Cambridge.
3d,	Cambridge, Ward 3,	John W. Coveney, .	Cambridge.
4th,	Cambridge, Ward 4, {	Frank W. Dallinger, Chas. W. Henderson,	Cambridge. Cambridge.
5th,	Somerville, Ward 1,	Joshua H. Davis, .	Somerville.
6th,	Somerville, Ward 2,	Francis H. Raymond,	Somerville.
7th,	{ Somerville, Wards } { 3, 4, . . . . }	Frederick M. Kilmer,	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, . . . .	John S. Cate, . . .	Everett.
11th,	Melrose, . . . .	William E. Barrett,	Melrose.
12th,	Stoneham, . . . .	Myron J. Ferren, .	Stoneham.
13th,	Wakefield, . . . .	Wm. S. Greenough,	Wakefield.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Woburn, . . . } { Reading, . . . }	*David F. Moreland, Charlie A. Jones, .	Woburn. Woburn.
15th,	{ Arlington, . . . } { Winchester, . . . }	William H. H. Tuttle,	Arlington.
16th,	{ Watertown, . . . } { Belmont, . . . }	J. Henry Fletcher, .	Belmont.
17th,	{ Newton, Wards 1, } { 2, 3, 4, 5, 6, 7, }	Gorham D. Gilman, Frederick J. Ranlett,	Newton. Newton.
18th,	{ Waltham, Wards 1, } { 2, 3, 4, 5, 6, 7, } { Weston, . . . }	Henry S. Milton, . Charles Moore, .	Waltham. Waltham.
19th,	{ Lexington, . . . } { Lincoln, . . . } { Concord, . . . } { Bedford, . . . } { Burlington, . . . }	Charles S. Wheeler,	Lincoln.
20th,	{ Chelmsford, . . . } { Billerica, . . . } { Tewksbury, . . . } { Wilmington, . . . } { North Reading, . . . }	Charles W. Flint, .	Chelmsford.
21st,	Lowell, Ward 1, .	Michael J. Garvey,	Lowell.
22d,	Lowell, Ward 2, .	Daniel H. Varnum,	Lowell.
23d,	Lowell, Ward 3, .	Owen M. Donohoe,	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, . . . .	Frank B. Tilton, .	Natick.
27th,	{ Hopkinton, . . . } { Ashland, . . . }	Alonzo Coburn, .	Hopkinton.
28th,	{ Holliston, . . . } { Sherborn, . . . } { Framingham, . . . } { Wayland, . . . }	James L. Brophy, . Charles H. Boodey,	Framingham. Wayland.

\* Elected February 11; qualified February 26, in place of John S. True of Woburn, deceased January 3.



HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
29th.	{ Marlborough, . . . } { Hudson, . . . } { Sudbury, . . . }	Francis C. Curtis, .	Marlborough.
		Hermon C. Tower, .	Hudson.
30th.	{ Maynard, . . . } { Stow, . . . } { Boxborough, . . . } { Littleton, . . . } { Acton, . . . } { Carlisle, . . . }	Aaron C. Handley, .	Acton.
31st.	{ Westford, . . . } { Groton, . . . } { Pepperell, . . . } { Dunstable, . . . }	James M. Swallow, .	Dunstable.
32d.	{ Aver, . . . } { Shirley, . . . } { Townsend, . . . } { Ashby, . . . }	Charles F. Worcester, .	Townsend.

COUNTY OF WORCESTER.

1st.	{ Athol, . . . } { Royalston, . . . } { Phillipston, . . . }	C. Waldo Bates, .	Phillipston		
2d.	{ Gardner, . . . } { Winchendon, . . . } { Templeton, . . . } { Ashburnham, . . . }	Morton E. Converse, .	Winchendon.		
				George Kendall, .	Gardner.
3d.	{ Barre, . . . } { Dana, . . . } { Petersham, . . . } { Hardwick, . . . } { Rutland, . . . }	Walter A. Wheeler, .	Rutland.		
4th.	{ Westminster, . . . } { Hubbardston, . . . } { Princeton, . . . } { Holden, . . . } { Paxton, . . . }	Moses C. Goodnow, .	Princeton.		
5th.	{ Brookfield, . . . } { North Brookfield, . . . } { West Brookfield, . . . } { New Braintree, . . . } { Oakham, . . . } { Sturbridge, . . . } { Warren, . . . }	George K. Tufts, .	New Braintree.		
				Jesse Allen, .	Oakham.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Spencer, . . . } { Leicester, . . . }	Louis E. P. Moreau,	Spencer.
7th,	{ Charlton, . . . } { Dudley, . . . } { Southbridge, . . . }	Lewis C. Prindle, .	Charlton.
8th,	{ Webster, . . . } { Oxford, . . . } { Auburn, . . . }	Richard H. Warren, .	Auburn.
9th,	{ Douglas, . . . } { Millbury, . . . } { Sutton, . . . }	Nathan H. Sears, .	Millbury.
10th,	{ Uxbridge, . . . } { Northbridge, . . . } { Upton, . . . }	James M. Farnum, .	Uxbridge.
11th,	{ Blackstone, . . . } { Mendon, . . . } { Milford, . . . } { Hopedale, . . . }	George P. Cooke, . James Quigley, .	Milford. Mendon.
12th,	{ Westborough, . . . } { Northborough, . . . } { Southborough, . . . } { Berlin, . . . } { Shrewsbury, . . . } { Grafton, . . . }	John W. Fairbanks, . Lyman Morse, .	Westborough. Berlin.
13th,	{ Boylston, . . . } { Bolton, . . . } { West Boylston, . . . } { Clinton, . . . } { Harvard, . . . } { Lancaster, . . . } { Sterling, . . . }	Stanley B. Hildreth, . Wellington E. Parkhurst,	Harvard. Clinton.
14th,	{ Leominster, . . . } { Lunenburg, . . . }	Henry Cook, . . .	Leominster.
15th,	{ Fitchburg, Wards 1, } { 2, 3, 4, 5, 6, . . . }	John W. Kimball, . Michael J. Murray, .	Fitchburg. Fitchburg.
16th,	Worcester, Ward 1,	Henry C. Wheaton, .	Worcester.
17th,	Worcester, Ward 2,	William H. Rice, .	Worcester.

# HOUSE OF REPRESENTATIVES.

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## COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th.	Worcester, Ward 3.	Eugene M. Moriarty,	Worcester.
19th.	Worcester, Ward 4.	Peter A. Conlin,	Worcester.
20th.	Worcester, Ward 5.	Patrick J. Quinn,	Worcester.
21st.	Worcester, Ward 6.	Franklin B. White,	Worcester.
22d.	Worcester, Ward 7.	William B. Sprout,	Worcester.
23d.	Worcester, Ward 8.	Edward B. Glasgow,	Worcester.

## COUNTY OF HAMPSHIRE.

1st,	Northampton, Wds	*Charles W. Smith,	Easthampton.
	1, 2, 3, 4, 5, 6, 7, .		
	Easthampton, . . .		
	Southampton, . . .	Henry A. Kimball,	Northampton.
2d,	Chesterfield, . . .	Talcott Bancroft,	Chesterfield.
	Cummington, . . .		
	Goshen, . . .		
	Huntington, . . .		
	Middlefield, . . .		
	Plainfield, . . .		
	Westhampton, . . .		
Worthington, . . .			
3d,	Hatfield, . . .	Roswell Billings,	Hatfield.
	Hadley, . . .		
	South Hadley, . . .		
	Williamsburg, . . .		
4th,	Amherst, . . .	Chester Kellogg,	Granby.
	Belchertown, . . .		
	Granby, . . .		
5th,	Enfield, . . .	Lysander Thurston,	Enfield.
	Greenwich, . . .		
	Pelham, . . .		
	Prescott, . . .		
	Ware, . . .		

\* Elected April 1; qualified April 16, in place of Arthur G. Hill, resigned March 1.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF HAMPDEN.

District	Town or Ward.	Name of Representative.	Residence.
1st,	{ Chester, . . . } { Blandford, . . . } { Tolland, . . . } { Granville, . . . } { Southwick, . . . } { Agawam, . . . }	Dwight H. Hollister,	Southwick.
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, . . . }	William P. Buckley,	Holyoke.
5th,	Chicopee, . . .	George D. Eldredge,	Chicopee.
6th,	{ Springfield, Wards } { 1, 4, 8, . . . }	George W. Miller, . Hiram B. Lane, .	Springfield. Springfield.
7th,	Springfield, Ward 5,	John McFethries, .	Springfield.
8th,	{ Springfield, Wards } { 2, 3, 6, 7, . . . }	Herman Buckholz, . Charles H. Bennett, .	Springfield. Springfield.
9th,	{ Longmeadow, . . . } { Hampden, . . . } { Wilbraham, . . . } { Monson, . . . } { Wales, . . . }	Carlos M. Gage, .	Monson.
10th,	{ Ludlow, . . . } { Palmer, . . . } { Brimfield, . . . } { Holland, . . . }	Horace H. Sanders, .	Palmer.

## COUNTY OF FRANKLIN.

1st,	{ Greenfield, . . . } { Shelburne, . . . } { Bernardston, . . . }	Nahum S. Cutler, .	Greenfield.
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HOUSE OF REPRESENTATIVES.

COUNTY OF FRANKLIN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d.	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . } { Erving, . . . } { Shutesbury, . . . }	Edward A. Goddard,	Orange.
3d.	{ Northfield, . . . } { Gill, . . . } { Montague, . . . } { Wendell, . . . }	William W. Hunt, .	Wendell.
4th.	{ Leverett, . . . } { Sunderland, . . . } { Whately, . . . } { Deerfield, . . . } { Conway, . . . }	Alfred F. Field, .	Leverett.
5th.	{ Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Colrain, . . . } { Hawley, . . . } { Heath, . . . } { Leyden, . . . } { Rowe, . . . } { Monroe, . . . }	George E. Bemis, .	Charlemont.

COUNTY OF BERKSHIRE.

1st.	{ New Ashford, . . . } { Williamstown, . . . } { North Adams, . . . } { Florida, . . . } { Clarksburg, . . . }	H. Torrey Cady, . . Henry S. Lyons, . .	North Adams. North Adams.
2d.	{ Adams, . . . } { Cheshire, . . . } { Savoy, . . . }	Andrew J. Bucklin,	Adams.
3d.	{ Hancock, . . . } { Lane-borough, . . . } { Lenox, . . . } { Windsor, . . . } { Peru, . . . } { Hinsdale, . . . } { Washington, . . . } { Richmond, . . . }	William Mahanna, .	Lenox.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Pittsfield, . . . }	Ansel E. Chamberlin,	Dalton.
	{ Dalton, . . . }	Peter J. McDonald,	Pittsfield.
5th,	{ Stockbridge, . . . }	Sidney H. Cheeseman,	Becket.
	{ Lee, . . . }		
6th,	{ Becket, . . . }	Emerson G. Harrington,	Egremont.
	{ West Stockbridge, . . }		
	{ Alford, . . . }		
7th,	{ Egremont, . . . }	Philo Smith, . . .	Otis.
	{ Great Barrington, . }		
	{ Monterey, . . . }		
	{ Otis, . . . }		
	{ Sandisfield, . . . }		
	{ New Marlborough, }		
{ Sheffield, . . . }			
	{ Mt Washington, . . }		
	{ Tyringham, . . . }		

## COUNTY OF NORFOLK.

1st,	{ Dedham, . . . }	Geo. Fred Williams,	Dedham.
	{ Norwood, . . . }		
2d,	Brookline, . . .	Geo. N. Carpenter, .	Brookline.
3d,	Hyde Park, . . .	Wilbur H. Powers,	Hyde Park.
4th,	{ Milton, . . . }	Augustus Hemenway,	Canton.
	{ Canton, . . . }		
5th,	{ Quincy, . . . }	Josiah Quincy, . . .	Quincy.
	{ Weymouth, . . . }	Joseph A. Cushing,	Weymouth.
		Louis A. Cook, . . .	Weymouth.
6th,	{ Braintree, . . . }	Ansel O. Clark, . . .	Braintree.
	{ Holbrook, . . . }		
7th,	{ Randolph, . . . }	Robert S. Gray, . . .	Walpole.
	{ Stoughton, . . . }		
	{ Avon, . . . }		
	{ Sharon, . . . }		
	{ Walpole, . . . }		
8th,	{ Franklin, . . . }	Daniel S. Woodman,	Medway.
	{ Foxborough, . . . }		
	{ Wrentham, . . . }		
	{ Bellingham, . . . }		
	{ Medway, . . . }		
	{ Norfolk, . . . }	James D. Lincoln, . .	Wrentham.

HOUSE OF REPRESENTATIVES.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham, . . . } { Dover, . . . } { Medfield, . . . } { Wellesley, . . . } { Millis, . . . }	Moses C. Adams, .	Millis.

COUNTY OF PLYMOUTH.

1st,	{ Plymouth, . . . }	Everett F. Sherman,	Plymouth.
2d,	{ Marshfield, . . . } { Plympton, . . . } { Kingston, . . . } { Duxbury, . . . }	Thomas Alden, .	Duxbury.
3d,	{ Scituate, . . . } { Norwell, . . . } { Hanson, . . . } { Pembroke, . . . }	Edwin T. Clark, .	Hanson.
4th,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	Lewis P. Loring, .	Hull.
5th,	{ Rockland, . . . } { Hanover, . . . }	Charles S. Millet, .	Rockland.
6th,	{ Whitman, . . . } { Abington, . . . }	Benj. F. Peterson, .	Whitman.
7th,	{ Mattapoisett, . . . } { Marion, . . . } { Wareham, . . . } { Rochester, . . . } { Carver, . . . }	John W. Delano, .	Marion.
8th,	{ Middleborough, . . . } { Lakeville, . . . } { Halifax, . . . }	Jared F. Alden, .	Middleborough
9th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	George Mitchel Hooper,	Bridgewater.
10th,	{ Brockton, Wards 4, } { 5, 6, . . . }	Edward E. Herrod,	Brockton.
11th,	{ Brockton, Wards 2, } { 3, . . . }	Hiram A. Monk, .	Brockton.
12th,	{ Brockton, Wards 1, } { 7, . . . }	Harrison O. Thomas,	Brockton.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BRISTOL.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Attleborough, . . . }	Stephen Stanley, . . Horatio Carpenter, .	N. Attleboro'. Seekonk.
	{ N. Attleborough, . . }		
	{ Norton, . . . }		
2d,	{ Mansfield, . . . }	Lorenzo B. Crockett,	Easton.
	{ Easton, . . . }		
	{ Raynham, . . . }		
3d,	{ Taunton, Wards 1, . . }	S. Hopkins Emery, Edward Mott, . . William M. Hale, . .	Taunton. Taunton. Taunton.
	{ 2, 3, 4, 5, 6, 7, 8, . }		
	{ Berkley, . . . }		
4th,	{ Fairhaven, . . . }	James A. Lewis, . .	Fairhaven.
	{ Acushnet, . . . }		
	{ Freetown, . . . }		
5th,	{ New Bedford, . . }	Haile R. Luther, . . David B. Kempton,	New Bedford. New Bedford.
	{ Wards 1, 2, 3, . . }		
6th,	{ New Bedford, . . }	George F. Tucker, . . William M. Butler,	New Bedford. New Bedford.
	{ Wards 4, 5, 6, . . }		
7th,	{ Westport, . . . }	Albert C. Kirby, . .	Westport.
	{ Dartmouth, . . . }		
8th,	{ Fall River, Wards }	John J. McDonough, John Edwards, . . John T. Hurley, . .	Fall River. Fall River. Fall River.
	{ 1, 2, 3, 4, 6, . . }		
	{ }		
9th,	{ Fall River, Wards }	Walter J. D. Bullock, Pardon Macomber, .	Fall River. Fall River.
	{ 5, 7, 8, 9, . . }		
10th,	{ Dighton, . . . }	Alfred W. Paul, . .	Dighton.
	{ Somerset, . . . }		
	{ Swanzey, . . . }		
	{ Rehoboth, . . . }		

## COUNTY OF BARNSTABLE.

1st,	{ Falmouth, . . . }	Nathan Edson, . . George E. Clarke, . .	Barnstable. Falmouth.
	{ Bourne, . . . }		
	{ Sandwich, . . . }		
	{ Mashpee, . . . }		
	{ Barnstable, . . . }		
	{ Yarmouth, . . . }		
{ Dennis, . . . }			



COUNTY OF BARNSTABLE—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d.	{ Harwich, . . . } { Chatham, . . . } { Brewster, . . . } { Orleans, . . . }	George N. Munsell,	Harwich.
3d.	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . . }	Richard A. Rich, . .	Truro.

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. WALBRON, . . . . . *Chaplain.*  
 JOHN G. B. ADAMS, . . . . . *Sergeant-at-Arms.*

## JUDICIAL DEPARTMENT.

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### 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.*

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### 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.*

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EDGAR J. SHERMAN, . . . . . *of Lawrence.*

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WILLIAM T. FORBES, Westborough, . . . . .	WORCESTER.
WILLIAM G. BASSETT, Northampton, . . . . .	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield, . . . . .	HAMPDEN.
CHESTER C. CONANT, Greenfield, . . . . .	FRANKLIN.
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BENJAMIN W. HARRIS, East Bridgewater, . . . . .	PLYMOUTH.
WILLIAM E. FULLER, Taunton, . . . . .	BRISTOL.
HIRAM P. HARRIMAN, Wellfleet, . . . . .	BARNSTABLE.
JOSEPH T. PEASE, Edgartown, . . . . .	DUKES.
TILADDEUS C. DEFRIEZ, Nantucket, . . . . .	NANTUCKET.

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FRANCIS M. THOMPSON, Greenfield, . . . . .	FRANKLIN.
EDWARD T. SLOCUM, Pittsfield, . . . . .	BERKSHIRE.
JONATHAN COBB, Dedham, . . . . .	NORFOLK.
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JOHN H. GALLIGAN, Taunton, . . . . .	BRISTOL.
FREEMAN H. LOTHROP, Barnstable, . . . . .	BARNSTABLE.
BERIAM T. HILLMAN, Chilmark, . . . . .	DUKES.
BENJAMIN F. BROWN, Nantucket, . . . . .	NANTUCKET.

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PATRICK H. COONEY, Natick, . . . . .	NORTHERN.
WILLIAM H. MOODY, Haverhill, . . . . .	EASTERN.
ALONZO B. WENTWORTH, Dedham, . . . . .	SOUTH-EASTERN.
HOSEA M. KNOWLTON, New Bedford, . . . . .	SOUTHERN.
FRANCIS A. GASKILL, Worcester, . . . . .	MIDDLE.
CHARLES E. HIBBARD, Pittsfield, . . . . .	WESTERN.
JOHN A. AIKEN, Greenfield, . . . . .	NORTH-WESTERN.

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HORATIO G. HERRICK, Lawrence, . . . . .	ESSEX.
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SAMUEL D. NYE, Worcester, . . . . .	WORCESTER.
JAIRUS E. CLARK, Northampton, . . . . .	HAMPSHIRE.
SIMON BROOKS, Springfield, . . . . .	HAMPDEN.
GEORGE A. KIMBALL, Greenfield, . . . . .	FRANKLIN.
JOHN CROSBY, Pittsfield, . . . . .	BERKSHIRE.
AUGUSTUS B. ENDICOTT, Dedham, . . . . .	NORFOLK,
ALPHEUS K. HARMON, Plymouth, . . . . .	PLYMOUTH.
ANDREW R. WRIGHT, Taunton, . . . . .	BRISTOL.
JOSEPH WHITCOMB, Provincetown, . . . . .	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., } JOHN P. MANNING, Boston, Sup. Ct., Crim. Bus., }	SUFFOLK.
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.
EDWARD E. HOBART, Bridgewater, . . . . .	PLYMOUTH.
SIMEON BORDEN, Fall River, . . . . .	BRISTOL.
SMITH K. HOPKINS, Barnstable, . . . . .	BARNSTABLE.
SAMUEL KENISTON, Edgartown, . . . . .	DUKES.
JOSIAH F. MURPHY, Nantucket, . . . . .	NANTUCKET.

## MEMBERS OF THE FIFTY-FIRST CONGRESS.

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[Congressional Districts established by Chap. 253, Acts of 1882]

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## 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.

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SECRETARY'S DEPARTMENT, BOSTON, July 21, 1890.

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.*

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APPENDIX.

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The following tables have been prepared by Charles U. Bell, Esq., appointed to that duty under Chap. 238 of the Acts of 1882, which authorizes the Governor to appoint some person to prepare "tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes."



# A 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.

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## PUBLIC STATUTES.

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### 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.

### CHAPTER 1 $\alpha$ .

OF THE GREAT SEAL.

The form of the great seal is established. St. 1885, c. 288.

### CHAPTER 2.

OF THE GENERAL COURT.

SECT. 2. Practice before the general court and its committees. A sworn return of legislative expense to be made by agents and attorneys is regulated. St. 1890, c. 456.

SECTS. 5-14. The law as to the notice to be given of petitions to the legislature is revised and amended. Sts. 1885, c. 24; 1890, c. 302.

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 door-keepers of the senate and house of representatives is fixed at \$1,400; that of the messengers at \$750; and that of the assistant door-keepers 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 door-keepers, assistant door-keepers, 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.

The report of the commissioner of foreign corporations and the return of assessed polls, registered voters and ballots cast, are added to the series of public documents and fifteen hundred copies of each are to be printed. St. 1890, c. 50, 223.

The chief of the bureau of statistics of labor may publish parts of the reports before the presentation of the complete report. St. 1890, c. 97.

SECT. The report of the commissioners of savings banks may hereafter be published in two volumes. St. 1890, c. 126.

Express and postage on legislative and other documents, forwarded to members of the general court, are to be paid by the Commonwealth. St. 1889, c. 53.

SECT. 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.

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. 1890, c. 423, §§ 2-65.

In any prosecution for a violation of any law in reference to the registration, qualification or assessment of voters or in reference to check-lists or ballots, the presumption is in favor of the regularity of the proceedings and the defendant must prove any irregularity. St. 1890, c. 393, § 1.

## CHAPTER 7.

### OF THE MANNER OF CONDUCTING ELECTIONS AND RETURNING VOTES.

Candidates for public office are protected against anonymous circulars and posters. St. 1890, c. 381.

This chapter is revised. St. 1890, c. 423, §§ 66-145.

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.

The registrars need not certify on a nomination paper more than the number of names required to make the nomination with one-fifth added. The designation to be added to the name of the candidate on the ballot, where the nomination is not made by a recognized party, is fixed. The time when certificates of nomination and nomination papers must be filed is fixed. Provision is made for the case of the death of a candidate after nomination. A new board of commissioner of appeal under section 7 of St. 1889, c. 413 is constituted. The nominations which may be made at a caucus are determined. Unless it is a caucus of a party casting at least three per cent. of the vote, at least twenty-five voters must attend it. The number of ballots to be furnished is fixed. Certificates of nomination, nomination papers, records of ballots furnished and receipts therefor need be preserved for one year only. Objections and withdrawals shall be made within seventy-two hours succeeding the last day for filing nomination papers. All signatures shall be made in person. Partial ballots are furnished for persons who vote partly in one town and partly in another. St. 1890, c. 436.

In all prosecutions for the violation of any law relating to caucuses or elections the regularity of the proceedings is presumed and the defendant must prove the contrary. St. 1890, c. 393.

## CHAPTER 8.

### OF THE ELECTION OF GOVERNOR AND OTHER STATE OFFICERS.

This chapter is revised. St. 1890, c. 423, §§ 146-164.

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.

## CHAPTER 9.

## OF THE ELECTION OF REPRESENTATIVES IN CONGRESS AND ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

This chapter is revised. St. 1890, c. 423, §§ 165-187.

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.

## CHAPTER 10.

## OF THE ELECTION OF DISTRICT AND COUNTY OFFICERS.

This chapter is revised. St. 1890, c. 423, §§ 188-207.

## 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. 416.

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 Workington'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, and 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. Evening sessions of the assessors are required. This act applies also 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.

The items to be stated in the return are changed, and section 54 is revised. St. 1890, c. 212.

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 assessor's 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. 69-77. An appeal is given to the superior court instead of to the county commissioners. St. 1890, c. 127.

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. St. 1888, c. 390.

SECT. 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 unpaid, and the date of such disposition. St. 1889, c. 334, § 2.

SECT. 7. His fees are determined. St. 1889, c. 334, § 3. The collector's fees are changed. St. 1890, c. 331, § 2.

SECT. 8. The collector may send a summons by mail. St. 1890, c. 331, § 1. 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.

The office of deputy tax commissioner is abolished and that of tax commissioner is created and its duties defined. St. 1890, c. 160.

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 tax from \$1,300 to \$1,500. The amount allowed for other assistance is increased from \$12,000 to \$14,000. St. 1887, c. 342, § 2.

SECT. 6. The tax commissioner must furnish blanks for the returns of property held for literary, benevolent, charitable or scientific purposes. St. 1882, c. 217, § 3.

It would appear that he should send the blanks for steam boiler returns in Boston to the inspector of buildings and not to the assessors. St. 1882, c. 252, § 5.

SECT. 24. This section is repealed. The capital stock, corporate franchises and personal estate, but not the real estate, of co-operative banks are exempt from taxation. St. 1890, c. 63.

SECTS. 26, 34, 37. The statutes as to the taxation of insurance companies are revised. St. 1887, c. 283.

SECT. 25-37. Every accident, fidelity or guaranty insurance company incorporated without the state and doing business here must pay an excise tax. St. 1890, c. 197.

SECTS. 17, 40. Title insurance companies are taxed under these sections. St. 1884, c. 180; 1887, c. 214, § 61.

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.

SECTS. 20, 23. Every bank which has paid a tax on its real estate used for banking purposes is reimbursed. St. 1890, c. 406.

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.

SECTS. 61, 62. An appeal is given from the assessors to the superior court instead of to the county commissioners. St. 1890, c. 127.

## 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, § 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. 26. There is added to the non-commissioned staff, one chief bugler and sixteen drummers. St. 1890, c. 425, § 1.

SECT. 28. To each company of infantry there shall be one bugler, instead of two musicians. St. 1890, c. 425, § 2.

SECT. 56. The chief bugler and the drummers are appointed by the regimental commander. St. 1890, c. 425, § 3.

SECT. 59. The colonel shall be recruiting officer for the drummers. Applicants not exceeding fifteen to each company above the maximum, may be enrolled, instructed and drilled and preferred for enlistment as vacancies occur. St. 1890, c. 425, § 4.

SECT. 66. An officer may also be discharged for purposes of reorganization. St. 1890, c. 425, § 5.

SECT. 70. The "no objection" clause in the discharge paper of an enlisted man may be stricken out by order of the commander-in-chief. St. 1890, c. 425, § 6.

SECT. 71. An honorable discharge shall not be given unless the soldier has complied with the by-laws of his organization and cancelled all his indebtedness to it. St. 1890, c. 425, § 7.

SECT. 72. The uniform and insignia of rank shall be worn only by persons entitled thereto either under the laws here or of another state or of the United States. St. 1890, c. 425, § 8.

SECT. 74. All trousers furnished to enlisted men shall be made to measure under the direction of the chief quartermaster-general or according to rules to be established by him. St. 1890, c. 425, § 9.

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.

SECT. 127. The law defining what bodies of men may parade with arms is revised. St. 1890, c. 425, § 10.

SECT. 135. One dollar and seventy-five cents is allowed for each enlisted man for repairs and incidental expenses. St. 1890, c. 425, § 11.

SECT. 151 *et seq.* A medal is allowed for nine years' continuous honorable service, and an additional bar or clasp for each five years thereafter. St. 1890, c. 425, § 12.

## 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's hire is increased from \$10,000 to \$13,000. Sts. 1889, c. 101 ; 1890, c. 239.

SECT. 15. The duty of furnishing blank forms for returns of criminal cases pending is transferred from the secretary of 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 may appoint two deputies instead of two clerks. St. 1890, c. 306.

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.

Clerks of courts, including justices of courts having no clerks, sheriffs, masters of jails and houses of correction must deposit cash funds beyond what is required for immediate use. St. 1890, c. 215.

The payments by clerks are to be made on the tenth of the month instead of the first, and are to include balances due and payable at the end of the preceding month. St. 1890, c. 216.

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. Sts. 1884, c. 179; 1888, c. 322.

SECT. 28. The statement of the expenditures must be filed within thirty days after receiving the advance, and all advances must be accounted for and the vouchers filed by December 25. The amount which may be advanced to disbursing officer of the board of lunacy and charity is increased from \$1,000 to \$1,500. St. 1890, c. 58.

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.

Any officer who neglects or refuses for ten days to make the returns or payments required or to record his payments and receipts in the book prescribed by the controller is guilty of a misdemeanor. St. 1890, c. 216.

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. 10. The amount allowed for the contingent expenses in civil actions in which the Commonwealth is a party or interested is increased from \$300 to \$800. St. 1890, c. 388.

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.

SECS. 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 of payment of money at two o'clock instead of three. St. 1886, c. 257.

## CHAPTER 21*a*.

### 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. 5. The reasonable expenses of police, district, and municipal courts for rent and care of court rooms, fuel, record books, blanks and stationery and other incidental expenses shall be certified by the judge and allowed by the county commissioners. St. 1890, c. 440, § 11.

SECT. 14. The sum allowed for the pay of the county commissioners is raised in Berkshire from \$1,600 to \$2,100. St. 1890, c. 133. 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. 22. They may appoint one of their number clerk *pro tempore* of their board. St. 1890, c. 198.

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. 1. County treasurers except in Suffolk shall be sworn before the county commissioners and a record thereof made. St. 1890, c. 308.

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. Of Berkshire from \$1,600 to \$2,500. St. 1890, c. 133. Of Norfolk from \$1,200 to \$1,400. St. 1890, c. 143.

The treasurer of Middlesex county is allowed \$500 for clerical assistance. St. 1889, c. 85. And of Essex, \$400. St. 1889, c. 310.

SECTS. 6 *et seq.* The chief officer having charge of jails, houses of correction, truant schools or other county public institutions shall keep an invoice book, in which shall be entered all bills for supplies. St. 1890, c. 296.



SECT. 7. County treasurers may not pay orders unless certified by the clerk of the county commissioners nor unless the original bills, vouchers or evidences are delivered with the order; this applies to vouchers for services incidental to sittings of the supreme and superior courts under c. 153, § 23. The clerk shall certify no orders until they are recorded. St. 1890, c. 206.

SECT. 28. The particulars of the annual published statements are defined and the number to be distributed is increased. St. 1890, c. 141.

The board of examiners need not certify to the correctness of the statements. The controller of accounts shall make the examination and certify on the cash book the amount of the balance. St. 1890, c. 380.

SECT. 30. This section which requires an annual return by the treasurer to the state auditor, is repealed. St. 1890, c. 380, § 2.

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. 6. Registers of deeds, except in Suffolk, shall be sworn before the county commissioners and a record thereof made. St. 1890, c. 308.

SECT. 9. Women may be appointed to the office of assistant register of deeds. St. 1885, c. 7.

SECT. 22. After January 1, 1886, the indexes in registries of deeds, except Suffolk, shall have a new column, in which shall be entered the towns in which the lands lie. St. 1885, c. 29.

## CHAPTER 25.

## OF SHERIFFS.

SECT. 20. Writs or processes in favor of as well as against a sheriff are to be so served. St. 1885, c. 75.

SECT. 22. The sheriff of Dukes county is given the fees in addition to his salary. St. 1884, c. 209. And the sheriff of Nantucket. St. 1886, c. 28.

The salary of the sheriff of Berkshire county is raised from \$1,000 to \$1,600. St. 1887, c. 58. Of Essex from \$1,800 to \$2,000. St. 1887, c. 164. 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 increased. St. 1885, c. 379, § 1.

The salary of the medical examiners in Suffolk is increased from \$3,000 to \$4,000. St. 1890, c. 213.

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. Where the accident occurred on a railroad a verbatim report of the evidence shall be made and sworn to, at the expense of such road. 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. 14. The fees as witnesses of salaried officers are regulated. St. 1890, c. 440.

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 for 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.

SECT. 34. No fee for detention and support shall be taxed or allowed unless it shall appear by the officer's return that the defendant was actually detained in the lock-up. St. 1890, c. 166.

SECTS. 44, 45, 46, 47, 48, 49, with reference to telegraph wires, shall also apply to wires for electric light. St. 1883, c. 221.

SECTS. 52-63. The laws relating to town meetings, moderators and the election of town officers are revised. St. 1890, c. 423.

SECTS. 64 *et seq.* In towns which adopt the act, town officers shall be elected by the Australian system of balloting. St. 1890, c. 386.

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.

Where the office of auditor becomes vacant, the remaining auditor or auditors perform the duties. If there are none the selectmen appoint. St. 1890, c. 254.

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.

The police of any city except Boston, which accepts this act shall hold office during good behavior and until removed by the mayor after hearing. St. 1890, c. 319.

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.

Any city may expend money for watering its public streets and authorize its aldermen to assess on abutters a part of the expense. St. 1890, c. 365.

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. 14, 15, 16 are repealed. St. 1888, c. 437, § 6.

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; St. 1890, cc. 271, 444. And Lynn. Sts. 1889, c. 172; 1890, cc. 203, 258. And Brockton. Sts. 1889, c. 176; 1890, c. 142. Worcester. St. 1889, c. 157. And Lowell. St. 1890, cc. 120, 121. And Marlborough. St. 1890, c. 135.

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

The treasurer may receive and pay over any sums authorized to be paid by any act of congress for the soldier's home. St. 1890, c. 373.

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.

Soldiers who are unable to support themselves, their wives and children under the age of sixteen, and the widows of such soldiers, are to be supported under the name of soldier's relief. They are not required to receive such relief at an almshouse or public institution, except in certain cases. St. 1890, c. 447.

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. 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.

## 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.

SECT. 133. The publication of parts of the report of the chief is provided for. St. 1890, c. 97.

## CHAPTER 32.

## OF THE REGISTRY AND RETURN 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.

The maiden name of the deceased, if she was a married woman, and the maiden name of the mother are also to be stated. St. 1890, c. 402.

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. This section which provides for permission for the removal or burial of human bodies is revised and changed. St. 1888, c. 306, § 2.

A certificate approved by the board of health, where there is one, is required before the removal of bodies as well as before burial. St. 1883, c. 124, § 1.

No body of a person dying from certain diseases can be transported unless securely encased; and no permit to remove can be given until the

board of health or selectmen have given a certificate stating the cause of death and that the body has been so encased. The certificate goes with the body. St. 1883, c. 124, § 2.

A fine is imposed for violations of St. 1883, c. 124, § 2. St. 1887, c. 335.

SECT. 7. Physicians and midwives are required to report additional facts and are given a fee of twenty-five cents. St. 1883, c. 158.

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. See St. 1889, c. 451, § 8.

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 engines 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. Sts. 1888, c. 41 ; 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. Sts. 1887, c. 437; 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.

SECT. 15. The clerk of the city or town is required to demand the records of churches or religious societies which have ceased to exist. St. 1890, c. 227.

SECT. 16. The removal or mutilation of records of the Commonwealth is also forbidden. St. 1890, c. 392.

#### 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, power and duties of trustees of free public libraries or of free public libraries and reading rooms in towns is regulated. St. 1888, c. 304.

A board of library commissioners shall be appointed. They may advise existing public libraries and assist to a limited extent the formation of new ones. St. 1890, c. 347.

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. 1881, c. 22.

SECT. 12. Any money received from the general government, the disposition of which is not otherwise provided for, shall be paid into the school fund. Premiums on securities purchased for the fund may be paid from the treasury. St. 1890, c. 335.

CHAPTER 44.  
OF THE PUBLIC SCHOOLS.

The last regular session prior to Memorial day must be devoted to exercises of a patriotic nature. St. 1890, c. 111.

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.

The sum which may be appropriated to aid small towns is increased from \$12,500 to \$27,000. St. 1890, c. 379.

## 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. 1. The required attendance at public schools is increased from twenty to thirty weeks. The penalty shall be recovered on complaint of the school committee or truant officer. St. 1890, c. 384.

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. 1881, c. 64.

Nor after recovery without a certificate from the attending physician or board of health. St. 1885, c. 198.

## CHAPTER 48.

## OF THE EMPLOYMENT OF CHILDREN AND REGULATIONS RESPECTING THEM.

SECT. 1. No minor shall be employed to sell papers devoted to criminal news. St. 1885, c. 305.

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. 135.

No child can receive the certificate unless he can read at sight and write simple sentences in the English language. St. 1889, c. 291.

The application for a permit for a child to labor under St. 1887, c. 433, must be made before the opening of the yearly session of the evening school unless he furnishes a certificate from a physician that he has been sick or injured and unable to attend the school. St. 1890, c. 48.

The age and schooling certificates belong to the child and must be surrendered to him. St. 1890, c. 299.

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 may be recovered of other persons having an interest in the premises in certain cases. 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.

SECTS. 13, 14. The county truant school shall be the place of confinement of all truants within the cities or towns of the county unless said cities or towns have made other provision therefor. The provisions for county and union truant schools, are revised. St. 1890, c. 309.

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 by the board 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.

In the first section of the Public Park Act (St. 1882, c. 154,) the clause prohibiting a "selectman or other officer of such town" from being a park commissioner, is changed to read, "selectman, or treasurer or clerk of such town." St. 1890, c. 240.

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, 85, 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. 1887, c. 59.

## CHAPTER 50.

## OF SEWERS, DRAINS AND SIDEWALKS.

SECT. 1. Cities and towns may take land for the purification and disposal of sewage. St. 1890, c. 124.

The board of health may require every building on a public or private street, court or passageway in which there is a public sewer to be connected with it. St. 1889, c. 132.

Any town may authorize its board of health to make and enforce connections with public sewers. St. 1889, c. 108.

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. 289.

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, co-partnership 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. 6, 12. Ornamental and shade trees may be designated for preservation and marked, and it is then forbidden to destroy them. St. 1890, c. 196.

SECTS. 9, 12. The requirement of acceptance is repealed. St. 1885, c. 123, § 3.

## CHAPTER 56.

## OF THE INSPECTION AND SALE OF BUTTER, CHEESE, LARD, FISH, HOPS, LEATHER AND POT AND PEARL ASHES.

SECT. 17. In the mark or label, "imitation butter" is substituted for "adulterated butter." St. 1884, c. 310, § 1.

SECTS. 17, 18, 19. The type of the brand required is changed from Roman to Gothic, and other names are allowed. St. 1885, c. 352, §§ 1, 2.

The sale of imitations of butter is further regulated. St. 1886, c. 317.

SECT. 19. The use of false labels, stamps or marks is punished. St. 1885, c. 352, § 3.

SECT. 20. Inspectors may enter places where butter or cheese is stored or kept for sale, and interference with their duties is punished. St. 1884, c. 310, § 2.

Inspectors appointed under St. 1882, c. 263, are given authority under this section. St. 1885, c. 352, § 5.

SECTS. 3-21. The sale of adulterated lard is forbidden unless it is branded as compound lard. St. 1887, c. 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.

Fraud in the sales of goods, wares and merchandise at public or private sales by itinerant vendors is punished and such sales are regulated. St. 1890, c. 418.

Dealers in ice must provide each wagon with scales and weigh the ice delivered on request. St. 1890, c. 276.

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 peas are added to the articles which must be sold either by the bushel or the cental. The weight of a bushel of apples is fixed at fifty pounds, and of beans or peas 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 metre 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.

The provision against carbonic oxide in gas is stricken out. St. 1890, c. 252.

#### CHAPTER 63.

#### OF THE SURVEY AND SALE OF LUMBER, ORNAMENTAL WOOD AND SHIP TIMBER.

SECTS. 1, 2, 3, 4, 5, 16, 19. These sections are amended and revised. St. 1890, c. 159.

#### CHAPTER 65.

#### OF WEIGHTS AND MEASURES.

The weights, measures and balances to be kept by counties, cities and towns, are defined. Their sets are to be complete. The duties of the deputy sealer are established. He is given a salary instead of fees. His office shall be in the treasury and he shall be under the direction of the treasurer and receiver-general. St. 1890, c. 426.

SECT. 7. The standards shall be tested every five years instead of every ten years. St. 1890, c. 426.

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.

Any person who sells or attempts to sell or advertises for sale any goods falsely representing that they are a bankrupt stock or damaged goods or goods saved from a fire, or makes any false statement as to their previous history or character shall be punished by a fine and be liable to the purchaser in a sum three times that paid for them. St. 1890, c. 449, § 3.

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.

SECT. 6. An auctioneer may sell goods brought into a city or town by persons travelling and carrying stocks of goods from town to town to sell by auction, only in the city or town where he has a regular place of business. If a new resident he must take out a permit. St. 1890, c. 449.

#### 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. 12. The pilots shall be "for any and all ports of said ports within their jurisdiction," instead of "for the said ports respectively." St. 1890, c. 300.

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. Vessels of not over three hundred and fifty tons pay only half fees. They are not held for any fees unless they take a pilot. The former limit was two hundred tons. 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. 33. 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.

Provision is made for the appointment of expert assistants to the State board of arbitration. St. 1890, c. 385.

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.

The requirement that accidents shall be reported is extended to mercantile establishments. St. 1890, c. 83.

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 application for a permit for a child to labor under St. 1887, c. 433, must be made by the child before the opening of the yearly session of the evening school unless he furnishes a physician's certificate in an established form that he was sick or injured and unable to attend the school. St. 1890, c. 48.

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.

No corporation or manufacturing establishment shall employ any women or minor for the purpose of manufacturing between ten o'clock at night and six o'clock in the morning. St. 1890, c. 183.

Nine hours shall constitute a day's labor for all laborers, workmen and mechanics for the State or any town or city. St. 1890, c. 375.

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 77a.  
OF THE ENCOURAGEMENT OF AGRICULTURE.

A bounty of one dollar a ton is given for sugar made from beets or sorghum, under the regulation stated. St. 1883, c. 189.

The obtaining by false pretences of certificates of registration of cattle, or transfers of such registration, and the giving of false pedigrees of cattle and other animals, is punished. St. 1887, c. 143.

Provision is made for the registration of the pedigrees of horses used for breeding purposes. St. 1890, c. 334.

Provision is made for the extermination of the gypsy moth. St. 1890, c. 95.

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 \$1,500 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.

The board of health may require every building on a public or private street, court or passageway in which there is a public sewer to be connected with it. St. 1890, c. 132.

SECTS. 21-23. Privy vaults can be established where there is a sewer only by written permission from the board of health and they may forbid the continuance of any such vault. St. 1890, c. 74.

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. 78. The provisions as to notice of dangerous diseases and disinfection are revised. St. 1890, c. 102.

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, 99, 100, giving the State board supervision of sources of water supply, and power to make orders concerning them, are repealed. St. 1884, c. 154, § 2.

SECTS. 96 *et seq.* The State board of health is given oversight of all inland waters. It shall make examinations and 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.

Further provision is made to prevent the pollution of sources of water supply. St. 1890, c. 441.

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.

Towns may put their burial grounds in the hands of commissioners whose terms of office and powers are fixed. Towns may also receive gifts and bequests for cemeteries or cemetery lots. St. 1890, c. 264.

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.

The sums which may be paid for the burial of paupers are increased from ten to fifteen dollars and from five to ten dollars. St. 1890, c. 71.

SECT. 20. Towns and cities may contract with hospitals to receive and temporarily care for the unfortunate and sick. St. 1890, c. 119.

SECT. 21. Destitute and deserted children may be placed in St. Mary's infant asylum, as well as in the Massachusetts infant asylum. St. 1883, c. 232.

#### CHAPTER 85.

##### OF THE MAINTENANCE OF BASTARD CHILDREN.

SECT. 1. The complaint may be made to and the warrant be issued by the clerk of the courts named, as well as by the courts themselves. St. 1885, c. 289.

#### CHAPTER 86.

##### OF ALIEN PASSENGERS AND STATE PAUPERS.

SECT. 13. The present board is abolished and a new one for both the almshouse and workhouse is established and regulated. It may transfer inmates. St. 1884, c. 297.

SECTS. 16, 19. The same person may be superintendent and resident physician. St. 1883, c. 278.

SECT. 22. The removal of a sick pauper to the State almshouse is forbidden until the certificate of a physician is procured that he can be removed without injury or danger to his health. St. 1887, c. 440.

SECT. 25. The notice in case of persons too sick to be removed must be signed by the overseers of the poor, or some person appointed by them, and they must certify to the facts after personal examination. St. 1885, c. 211.

SECT. 26. The bills must be endorsed with a distinct declaration that the amount charged for has been paid from the town or city treasury. St. 1885, c. 211.

SECT. 28 is repealed, and provision is made that idiots may be sent to the school for the feeble-minded. The trustees there may receive them or send them home, or to the state almshouse, or to the place of their settlement. St. 1883, c. 239, §§ 5, 6, 7.

SECT. 31. The expense is to be paid only when written notice has been given to the State board within sixty days from the time when the aid was first given. St. 1885, c. 211.

SECT. 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 for the purchase of land and erection of buildings to the hospital cottages for children. The board may place there such number of children as may be approved by the trustees and superintendent. St. 1889, c. 230.

SECT. 46. A further appropriation is made for the hospital cottages for children, but a majority of the trustees are to be appointed by the governor. St. 1890, c. 354.

## 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 dipsomaniaes and inebriates is established. St. 1889, c. 414.

The hospital for dipsomaniaes shall have accommodations for two hundred patients instead of two hundred and fifty. St. 1890, c. 251.

SECT. 2. Provision shall be made at the State hospitals and asylums for the insane for fire escapes and apparatus for the extinguishment of fire. Provision must be made for a monthly inspection and trial of the apparatus and a proper organization and drill of the officers and employees. St. 1890, c. 378.

A new hospital is established at Westborough under homœopathic treatment. St. 1884, c. 322.

SECT. 70. A grant is made to the Massachusetts homœopathic hospital in consideration that five members of the board of trustees shall be appointed by the governor. St. 1890, c. 358.

SECTS. 2-10. Land may be purchased and plans made for a hospital for the chronic insane in eastern Massachusetts. St. 1890, c. 445.

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.

SECT. 21. The fees as witnesses of salaried officers are regulated. St. 1890, c. 440.

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. 25. The State board are to apply for the commitment to a hospital of any insane person deprived of proper treatment. St. 1890, c. 414.

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 *et seq.* Notice of the admission or discharge of any insane person in the care of the overseers of the poor must be given to the state board. St. 1890, c. 414.

SECTS. 47, 48, 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. See 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.

Prisoners may be removed from the State prison to the State farm, and be returned to the State prison. St. 1890, c. 180.

Persons confined at the State farm may be removed to any house of correction and be returned to the State farm. St. 1890, c. 278.

## 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. 45. Boys also may be discharged for mental incapacity or bodily infirmity. St. 1889, c. 123.

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.

The commissioners may forbid the discharge of sawdust from a mill into a brook, if it injures the fish. St. 1890, c. 129.

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 Mattapoissett (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 Mattapoissett 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.

The taking of fish in the North river in the county of Plymouth is regulated. St. 1890, c. 336.

Pickrel 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.

SECT. 31. The rights of the riparian proprietors in unnavigable tidal stream, in which fishes are cultivated or maintained, are extended. St. 1890, c. 231.

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 Merrimack river, in November and December, except near fishways, other fish being returned to the water. St. 1883, c. 31.

SECT. 41. The North river, in Plymouth county, is excepted from this section, and fishing there is regulated. St. 1884, c. 199.

SECTS. 51-53. The close 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.

In Berkshire, Franklin, Hampshire and Hampden the close time is from the first day of August to the first day of April. St. 1890, c. 193.

SECT. 55. Shad are protected in Mill river in Essex. St. 1888, c. 126.

SECT. 57. Smelts in the waters of the tributaries of Plum Island bay are protected. Sts. 1887, c. 105; 1890, c. 30.

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 Sts. 1886, c. 192, § 4; 1887, c. 197.

SECTS. 73, 74, 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. Sts. 1886, c. 192; 1887, c. 197.

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. 81. 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.

Whoever severs the tail from the body of a lobster before the lobster is cooked is punished. St. 1890, c. 293.

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. Sts. 1887, c. 96; 1888, c. 238, 223.

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.

SECT. 104. All moieties of fines and forfeitures which may accrue to deputies appointed by the commissioners shall be paid into the treasury of the Commonwealth. St. 1890, c. 390.

## 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 arti-

ficially propagated on land where shooting or trapping is forbidden belongs to the land-owner. St. 1884, c. 308.

Any person who introduces into the county of Dukes County and liberates there a fox or raccoon shall be punished. The county commissioners of that county may offer a reward for their destruction. St. 1890, c. 237.

SECT. 2. The close time for woodcocks and ruffed grouse, commonly called partridge, is changed. St. 1888, c. 292.

SECT. 2. The close time for pinnated grouse, woodcock, ruffed grouse, quail, wood or summer duck, black duck or teal or any of the so-called duck species is fixed. St. 1890, c. 249.

The shooting of black duck in Plymouth harbor or bay is regulated. St. 1888, c. 269.

SECT. 6. Provision is made for the extermination of the English sparrow. St. 1890, c. 443.

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 Connecticut river, is limited to the river below the entrance of the Chicopee river; but the Connecticut River Lumber Company must pay damage to owners of ferries and pleasure boats above. St. 1882, c. 274.

St. 1882, c. 274, § 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.

In case of wagering contracts in securities or commodities any payment made or the value of anything delivered may be recovered back. The fact that the seller did not own the securities or commodities or that a settlement has been made without an actual delivery, shall be *prima facie* evidence that it was a wagering contract. The principal and agent in the contract are jointly liable. St. 1890, c. 437.

Provision is made for the removal of certain obstructions in gambling resorts. St. 1887, c. 448.

SECT. 8, which forbids the buying or selling of pools and the registering of bets, is revised and extended. 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.

No holder of a license for the sale of intoxicating liquor to be drunk on the premises shall employ any person under the age of eighteen years to serve such liquor. St. 1890, c. 446.

Legislation intended to prevent the sale of liquor in clubs. St. 1890, c. 439.

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.

In Boston licenses are to be signed by the police commissioners. St. 1885, c. 83.

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-five 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 election is 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 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 on election days. St. 1888, c. 262.

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.

SECT. 27. 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. 4. Licenses of innholders and common victuallers shall expire on the thirtieth day of April, but may be granted in April to take effect on the first day of May ensuing. St. 1890, c. 73.

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. 34 is not repealed or affected by Sts. 1888, c. 388; and that act shall not be construed to apply to licensed pawnbrokers. St. 1890, c. 416, § 6.

SECTS. 34-37. Loans and pledges with household goods, wearing apparel or articles of personal use or ornament as collateral are regulated. St. 1890, c. 416.

SECT. 35 is amended so that any district police officer may also enter and examine pawnshops. St. 1888, c. 243.

SECT. 39. More than four horses cannot be kept without a license. St. 1890, cc. 230, 395.

SECT. 54. Cities and towns may regulate the sale or use of toy pistols, toy cannon, and all articles in which explosives are used. St. 1882, c. 272.

Fire-arms or dangerous weapons may not be sold or furnished to minors under fifteen years of age. St. 1884, c. 76.

SECT. 56. Any one storing or keeping for sale gunpowder over one pound in amount, must at once give notice to the chief engineer, or, in Boston, to the board of fire commissioners, of the amount and place in the building. St. 1882, c. 269.

SECT. 75. Towns and cities may regulate the inspection of kerosene and petroleum. St. 1885, c. 122, § 1.

SECT. 80. A dog which becomes three months old after the thirtieth day of April must be licensed. St. 1885, c. 292.

SECTS. 80, 81, 82, 87. Special licenses for the keeping of dogs for breeding purposes may be granted. St. 1887, c. 307.

The license for a spayed female dog is two dollars. St. 1890, c. 72.

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 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, 117, 118, 119. Municipal, district and police courts are given concurrent jurisdiction with the superior court of offences under these sections which forbid unlicensed theatrical exhibitions and shows and masked balls. St. 1887, c. 293.

SECT. 124. The fee for licenses of pawnbrokers, etc., is made payable

to the board issuing the license, instead of to the clerk, and the fees given are to be the minimum fees only. St. 1882, c. 258.

SECTS. 124, 126, 127. Groves used for picnics and other amusements must be licensed in towns or cities which accept this act. St. 1885, c. 309.

Hawking, peddling, vending provisions and refreshments, gaming, horse racing or the exhibition of plays or shows within one half mile of picnics and other lawful gatherings in licensed groves is forbidden. St. 1887, c. 445.

#### CHAPTER 103.

##### OF THE DISTRICT AND OTHER POLICE.

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.

The chief of the district police may appoint two clerks at \$1,500 and \$800. St. 1890, c. 137.

Candidates for the district police need not be examined by, or under the direction of, a justice of the superior court. St. 1885, c. 186.

SECT. 5. The salary of members of the district police is raised from \$1,200 to \$1,500, and the chief shall receive a sum not exceeding \$2,000, instead of not exceeding \$1,700. St. 1887, c. 127.

SECT. 10. It is made the duty of the inspectors of buildings to enforce sections 16, 17, 18 of chapter 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, 5, 6.

SECT. 10. The duties of the inspectors are extended to include the enforcement of the laws regarding the employment of children, young persons and women in factories or workshops, and the ventilation and sanitary provisions in factories and workshops. St. 1887, c. 218.

SECT. 15. Railroad police shall be sworn and hold office until their appointment is revoked by the mayor and aldermen or selectmen. St. 1883, c. 65.

#### CHAPTER 104.

##### OF THE INSPECTION OF BUILDINGS.

An appeal is given from the orders of the inspection department of the district police. St. 1890, c. 438.

SECTS. 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.

Appliances that may control the motive power are added to the means of communication with the engine room. St. 1890, c. 179.

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.

The employment of custodians of elevators is regulated. St. 1890, c. 90.

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.

SECT. 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.

A knotted rope or other better appliance for use as a fire escape must be placed in every room in hotels above the ground floor which is used as a lodging room. St. 1890, c. 307.

Certain approved appliances are allowed in the place of one watchman. St. 1884, c. 223, § 1.

The 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 schoolhouses 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. St. 1886, c. 230.

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, §§ 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.

SECT. 54. The certificates of conditions shall be deemed to be recorded by the act of filing. They are to be preserved in book form convenient for reference. St. 1890, c. 199.

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.

Provision is made for the regulation and supervision of wires over streets or buildings in cities. St. 1890, c. 404.

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.

The issue of bonds by electric light companies is authorized and regulated. St. 1890, c. 371.

## 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. 10, 12. The sum allowed for books, maps and incidental expenses is increased from \$500 to \$2,000. St. 1890, c. 200.

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. 41. 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.

SECTS. 94-112. Provision is made for the payment of damages, if the Meigs system of elevated railway is adopted. St. 1890, c. 368.

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. 1881, c. 280.

Provision is made for the abolition of grade crossings. St. 1890, c. 428.

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. 163. At least three separate and distinct blasts of the whistle are required at crossings. St. 1890, c. 173.

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. 170. Any railroad company may build and use the Meigs system of elevated railway, with the consent of the city or towns where the tracks are located. St. 1890, c. 368.

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. 91, 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. 204. The maximum penalty for placing obstructions upon railroad tracks is increased from five years in the State prison to twenty. St. 1890, c. 332.

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.

SECTS. 223, 224. When their consent is required, the commissioners may limit the number of tracks at a crossing by a railway for private use and impose such other conditions as may be deemed expedient. St. 1890, c. 382.

## 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.

SECTS. 13-18. Street railways are authorized to reduce their capital stock. St. 1890, c. 326.

Any street railway with the consent of the city or town in which its tracks are located, may use the Meigs system of elevated railway. Provision is made for the payment of damages. St. 1890, c. 368.

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. 27-42. Street railways operating cars propelled by any motive power other than horses must equip their cars with such fenders and guards as the commissioners require. St. 1890, c. 364.

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 114.

##### OF AGRICULTURAL AND HORTICULTURAL SOCIETIES.

SECT. 1. If there is only one incorporated society in the county it shall receive the bounty notwithstanding there is another within twelve miles of it, and its right is not lost by the subsequent incorporation of a new society in the county. St. 1890, c. 297.

No incorporated agricultural society, which has or may receive a bounty from the State, can mortgage or sell its real estate except by a two-thirds vote and with the approval of the State board of agriculture. St. 1890, c. 274.

#### 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.

Before any club is incorporated, an investigation must be made, and if in the opinion of the secretary of the Commonwealth the probable purpose is to cover any illegal business, he may refuse to issue his certificate. Whenever any person connected with a club is convicted of violating the liquor or gaming laws upon the premises occupied by the club, its charter shall be declared void. St. 1890, c. 439.

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.

The law authorizing employees of railroad companies to unite with such companies in establishing relief societies, is extended to street railway companies. St. 1890, c. 181.

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.

SECT. 3. The par value of the shares may be ten dollars. St. 1890, c. 191.

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.

The forfeiture of membership for failure to attend meetings is made optional with the corporation, instead of mandatory. St. 1890, c. 222.

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 places 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; 1890, cc. 298, 369, 394.

"Net indebtedness" is to be computed, excluding water loans and crediting sinking funds. St. 1883, c. 127.

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, clause 4 as to investments is revised. St. 1890, c. 168.

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. 31. 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. 41. The report classifying the deposits is to be made once in five years instead of annually. St. 1890, c. 44.

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.

The business of co-operative banking by foreign corporations is regulated. St. 1890, c. 310.

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.

The capital stock, corporate franchises and personal estate of co-operative banks are exempted from taxation. St. 1890, c. 63.

SECT. 1. The consent of the savings bank commissioners is required for the formation of co-operative banks. St. 1890, c. 243.

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. 10. The directors may loan any money remaining unsold on shares of the corporation. St. 1890, c. 78.

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 118.

##### OF BANKS AND BANKING.

Foreign corporations carrying on a banking business shall indicate the State or country in which they are chartered on all their signs, advertisements, circulars, letterheads and other documents containing its name. St. 1890, c. 329.

#### CHAPTER 118*a*.

##### 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.

Safe deposit, loan and trust companies subject to St. 1888, c. 413, are authorized to make further investments. Such companies incorporated before that statute may adopt it. St. 1890, c. 315.

Any foreign corporation doing a trust business here shall indicate the State or country in which it is chartered upon all its signs, advertisements and the like where its name appears. St. 1890, c. 329.

#### CHAPTER 118*b*.

##### 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.

Any foreign corporation doing a mortgage, loan and investment business here shall indicate the State or country in which it is chartered upon all its signs, advertisements and the like where its name appears. St. 1890, c. 329.

## 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. 378.

Accident insurance companies may insure the liability of employers for injuries received by persons in their employ. St. 1889, c. 356.

SECTS. 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. 2. The salary of the commissioner is raised from \$3,000 to \$3,500. St. 1890, c. 247.

SECTS. 21, 38. The money or relief to be paid by companies incorporated under this act and doing life or casualty insurance on the assessment plan is not attachable. St. 1885, c. 183, § 11.

SECT. 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.

SECTS. 74, 75, 76, 96, 97, as revised in St. 1887, c. 214, §§ 42, 43, 44, relating to companies with a guaranty capital, dividends of surplus to policy holders and rights of members to profits and liability for losses, are revised. St. 1890, c. 26.

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. 1890, c. 421.

The organization and business of fraternal beneficiary organizations is regulated. Foreign corporations must appoint the commissioner agent. Any person who solicits memberships 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.

SECTS. 145 *et seq.* Any fraternal beneficiary organization may provide in the same assessment for its disability and death funds, the proportion for either purpose being distinctly stated. St. 1890, c. 400.

SECTS. 9-12 of St. 1888, c. 429, which revised the law of fraternal insurance, are amended. St. 1890, c. 341.

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.

SECT. 96. A foreign company whose authority to do business is revoked by the commissioner for any cause, except its financial condition, may have the order revised by the supreme court. St. 1890, c. 304.

#### 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 the 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 life time 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 by consent of the widow and all the next of kin of the deceased to one of the next of kin or any other suitable person without notice. Sts. 1890, c. 265; 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.

SECTS. 1-15. Real estate appraised for less than fifteen hundred dollars may be sold for purposes of distribution. St. 1890, c. 266.

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 the savings bank under c. 144, § 16. St. 1889, c. 185.

SECTS. 19-25. Real estate of less than fifteen hundred dollars appraised value may be sold for the purpose of distribution. St. 1890, c. 266.

## CHAPTER 139.

## OF GUARDIANSHIPS.

SECTS. 1-3. The Boston Children's Friend Society may be appointed the guardian of minors. St. 1885, c. 362.

SECT. 2. The Association for the Protection of Destitute Roman Catholic Children may be appointed guardian of any minor child. St. 1890, c. 117.

SECT. 16. Guardians may also be appointed to release the rights of dower and homestead of married women who are minors. St. 1890, c. 259.

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, RELEASES, 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 execu-

tors 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.

Provision is made for the final distribution of money deposited or invested by order of probate courts. St. 1890, c. 408.

## 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. 10. In certain cases where the charge is adultery, the person alleged to be *particeps criminis* may be allowed to appear. St. 1890, c. 370.

SECT. 19. The application for final decrees is to be made, without further notice, to the court, or a justice of it, instead of to the clerk. St. 1882, c. 223.

SECT. 42. Whoever procures or assists in procuring any fraudulent divorce out of the State for one who is a resident is punished. St. 1886, c. 342.

SECTS. 42-44. Whoever advertises the business of procuring divorces is punished. St. 1887, c. 320.

## CHAPTER 147.

### OF CERTAIN RIGHTS AND LIABILITIES OF HUSBAND AND WIFE.

A wife shall have the right of interment in any lot or tomb which her husband owned during coverture, unless she has released it. St. 1883, c. 262.

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. 201.

SECTS. 1, 6. A married woman living separate by decree may devise or convey her property free from all rights in her husband. Sts. 1884, c. 301; 1885, c. 255.

SECT. 3. The words "husband and wife shall not transfer property to each other" are so changed that this chapter shall not "authorize" such transfer. The change applies to all transfers made since the enactment of the Public Statutes. St. 1881, 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.

The notice on the petition for leave for the guardian of an insane wife to release any right of dower or homestead shall be such as the court may order, instead of in some newspaper. St. 1890, c. 105.

SECTS. 31, 32, 33, 36. The probate court shall have exclusive original jurisdiction of petitions under these sections and the appeal from the probate court shall be to the superior court. St. 1887, c. 332, §§ 2, 3.

#### CHAPTER 148.

##### OF THE ADOPTION OF CHILDREN AND THE CHANGE OF NAMES.

SECTS. 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. 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 153.

#### OF MATTERS COMMON TO THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT.

SECTS. 10, 13. When disability or death of the justice prevents him from signing bills of exceptions, they may be proved as if they had been disallowed by him. St. 1882, c. 239.

SECT. 15. Clerks of courts shall cause to be printed and forwarded to the attorney-general copies of bills of exceptions and reports of cases in which the Commonwealth is a party or interested, as soon as may be after the same have been allowed and filed. St. 1890, c. 374.

SECT. 23. The original vouchers or bills must be delivered with the orders. St. 1890, c. 206.

#### 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 Cumington, 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.

SECT. 2. The first and second district courts of Barnstable are established. St. 1890, c. 177.

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 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. 27. The police and district courts in Middlesex may establish uniform return days and rules in civil cases. St. 1890, c. 359.

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. 35. All funds received from any source which are payable to cities and towns must be paid over quarterly at the same time that settlements are now with county treasurers. St. 1890, c. 204.

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.

SECTS. 39, 52, requiring a bond instead of a recognizance, are 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
First Barnstable, 1890, c. 177, . . . . .	-	\$1,000
Second Barnstable, 1890, c. 177, . . . . .	-	1,000
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
Boston, 1887, c. 163, 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
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



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JUSTICES' SALARIES — *Concluded.*

	From	To
Lynn, 1886, c. 151, . . . . .	\$1,600	\$1,800
Marlborough, 1882, c. 233, . . . . .	—	1,000
Central Middlesex, 1890, c. 238, . . . . .	600	800
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
Newton, 1890, c. 93, . . . . .	1,000	1,250
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
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
First Southern Worcester, 1890, c. 131, . . . . .	1,200	1,500
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
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

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CLERKS' SALARIES—*Concluded.*

	From	To
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, 1883, 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
Eastern Norfolk, 1888, c. 54, . . . . .	600	700
First Plymouth, 1883, c. 57, . . . . .	500	600
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, 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 traveling expenses not exceeding five hundred dollars. St. 1884, c. 204.

The clerks of the central district court of Worcester and of the Lowell police court 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.

SECT. 33. No bond, recognizance or deposit shall be required where the plaintiff appeals in a replevin suit. St. 1890, c. 224.

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.

SECTS. 63, 65. If the appeal is from a sentence to pay a fine and costs or either of them, the fees of the jailer shall be paid by the appellant, if after the appeal is withdrawn he pays the fine and costs. St. 1890, c. 328.

SECTS. 67 *et seq.*, 71, 75. Provision is made for the completion of unfinished business before trial justices. St. 1890, c. 202.

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. 5-21. Where the appeal is taken to the superior court the proceedings shall be the same so far as practicable as are now provided in case of appeals to the supreme court. St. 1890, c. 261, § 3.

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.

SECT. 9. The power to allow the entry of appeals from the probate court, where the party has failed to claim or prosecute an appeal without default on his part, is given to the superior court, in cases where the appeal runs to that court. St. 1890, c. 261, § 2.

SECT. 13. Orders under this section as to the separate support of a wife, are to be made by the superior court instead of the supreme court. St. 1890, c. 261, § 1.

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.

Attorneys may enter their appearance for their clients in courts of probate or insolvency and all notices and processes served upon them shall have the same force as if served on the party. Rules may be made requiring notice of any motion, hearing or other proceeding. St. 1890, c. 420.

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 held. 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.

In composition proceedings, further time is given for the proof of unsecured claims. St. 1890, c. 387.

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. 68. The limit of number of the officers in attendance upon the supreme court in Suffolk is increased to six. The county pays thirteen hundred dollars of their salary and the State four hundred dollars. St. 1890, c. 294.

SECT. 70. The fees of witnesses at an insolvent debtor's examination are fixed. St. 1890, c. 277.

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. 112. The provision that the debtor petitioned against must have resided in the State within one year is amended by omitting the words "within one year." In case of a fraudulent conveyance of real estate the petition may be brought within ninety days after it is recorded. St. 1890, c. 431.

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.

SECTS. 127-130, 136. Provision is made for insolvency proceedings by and against foreign corporations. St. 1890, c. 321.

## 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. In Nantucket, from \$500 to \$600. St. 1890, c. 115.

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 \$2,000 additional is allowed for clerical assistance in Middlesex county. Sts. 1885, c. 304; 1890, c. 192. In Worcester, \$1,350. Sts. 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 Essex. Sts. 1889, cc. 11, 44.

Where there are two or more assistant clerks, they need not add first or second to their signatures. St. 1889, c. 215.

SECTS. 6, 16. The county commissioners may appoint one of their number clerk pro tem. St. 1890, c. 198.

SECT. 8. The salary of the first assistant clerk of the court for the county of Middlesex is increased from \$2,100 to \$2,300. St. 1890, c. 201.

SECT. 27. The clerks need not render an account of their fees to the county treasurer in January. St. 1888, c. 257, § 9.

SECTS. 27-30. County treasurers shall pay no fees to clerk of courts for any official service whatever. Entry fees shall not be paid where the State or county is the real plaintiff. They are payable where the prosecu-



tion is under city or town by-laws or ordinances. They shall be taxed against defendants. The clerk's salary shall not be paid until he has paid over all fees. St. 1890, c. 209.

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.

The probate court may appoint auditors in certain cases. St. 1889, c. 311.

SECT. 51. 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 six in number, are paid at a salary of \$1,700 instead of \$4.50 per day and travel. Sts. 1882, c. 232; 1886, c. 37; 1890, c. 294.

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.

SECTS. 38-60. The right to attach the property of newspaper offices is regulated and limited. St. 1890, c. 377.

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, 124, 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, except that masters in chancery and commissioners may take recognizances. St. 1888, c. 419.

SECTS. 18-20. The same steps and notice of examination must be had where the other charges in section 17 are made which are now provided for the first charge. St. 1887, c. 142, §§ 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.

Certain payments and transfers, pending proceedings, are punished as contempt. St. 1890, c. 128.

SECT. 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, 31. 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.

SECTS. 2-10. The form for declaring for the recovery of interest is established. St. 1890, c. 398.

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<sup>1</sup>, § 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.

The parties may agree that an action shall be passed and may afterwards restore it to the list. St. 1890, c. 151.

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.

An attorney of record in the supreme or superior courts when actually engaged in the trial of a cause, shall not be obliged to proceed to the trial of any other cause unless it appears to the court that it is just and reasonable. St. 1890, c. 451.

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 perpetuum 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, 21. 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 or 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. 1881, 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, 7, 8. A bond instead of a recognizance is to be given in all cases. St. 1888, c. 325.

#### CHAPTER 176.

##### ON 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.

The petition may be filed by any person having a freehold estate, vested or contingent, in possession, reversion or remainder in the land or in any

part of it or any interest which may become a freehold, and by any person who has conveyed with covenants of warranty. Defects arising under different mortgages may be set out in the same petition. St. 1890, c. 427.

And persons owning in severalty different portions or interests in the whole or in different portions of such estate may join. St. 1890, c. 427, § 2.

## CHAPTER 178.

## OF THE PARTITION OF LAND.

SECS. 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.

SECS. 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.

SECS. 64-75. Provision is made for the partition of land where there are estates for life or terms for years, a trustee being appointed to hold any money coming from such partition and pay over the income to the tenant and the principal to the remainder man when the first estate ceases. St. 1887, c. 286.

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. 168.

## 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.

The wages or lay due or accruing to a fisherman are not exempt. St. 1890, c. 289.

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 184.

## OF THE REPLEVIN OF PROPERTY.

In case of appeal from the lower courts no bond, recognizance or deposit shall be required where the appeal is by the plaintiff. St. 1890, c. 224.

## 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.

SECT. 42. Persons to whom a debt would be payable if it were not for a lien, may dissolve such lien by a bond. St. 1890, c. 383.

## 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.

In all criminal cases, if the justice or magistrate deems the complaint unfounded, frivolous or malicious, he may refuse all fees to the person making the complaint. St. 1890, c. 440, § 11.

SECT. 2. In police, district and municipal courts no court fees shall be allowed in any criminal case. St. 1890, c. 256.

SECT. 2, 3. The fees of trial justices are changed, and the mode of approval and certification. St. 1890, c. 353.

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. 4. The entry fee also includes the fee for issuing subpoenas and injunctions. St. 1890, c. 360.

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.

SECT. 14. Witnesses before the court of insolvency or at an insolvent debtor's examination, except the debtor, are allowed the same fees as

before the probate court, unless fraudulent conduct is charged and proved against them. St. 1890, c. 277.

SECT. 34. The fees of salaried officers and others and the expenses of criminal cases are regulated. St. 1890, c. 140.

## 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. 158.

SECT. 21. Mutilation of a will is added to the crimes named in this section. St. 1890, c. 391.

SECT. 10. Embezzlement by agents, clerks, etc., shall include embezzlement by officers of voluntary associations and societies. St. 1884, c. 171.

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.

SECTS. 63, 64. The labels, stamps and trade marks of labor and trade associations are also protected. St. 1890, c. 104.

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.

This section which forbids trespass upon enclosed or improved land is revised and extended. St. 1890, c. 410.

Whoever enters land with firearms with intent to fire them and who after being requested to leave said land remains, is punished. St. 1890, c. 403, § 1.

Whoever tears down or defaces any notice warning persons not to trespass, is punished. St. 1890, c. 403.

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. 1885, c. 303.

SECT. 101. The tearing down, removal or defacing of a town warrant, list of voters or jurors, or other legal notice, is punished. St. 1883, c. 156.

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, 108, 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.

This section which punishes any person who imports, prints, publishes, sells or distributes obscene books and the like, is extended to include those manifestly tending to the corruption of the morals of youth. St. 1890, c. 70.

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.

Provision is made for the registration and identification of criminals. St. 1890, c. 316.

#### 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. 312, § 2.

Search warrants may also issue to search for personal property insured against fire removed or concealed to cheat or defraud an insurance company. St. 1890, c. 284.

Property so seized shall be held and disposed of as the court may order. St. 1890, c. 152.

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.

SECT. 16. A summons shall issue instead of a warrant, "unless there is reason to believe that the accused will not appear upon a summons," instead of "if there is no reason to believe that he will evade." St. 1890, c. 225.

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 to receive 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. 131.

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.

SECTs. 33-35. Police officers may serve and return subpoenas when requested by the district attorney. St. 1890, c. 440, § 6.

#### 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. 1881, 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.

Salaried officers are allowed no fees with certain exceptions. St. 1890, c. 440.

## CHAPTER 217.

## OF FINES, FORFEITURES AND COSTS.

The fees of salaried officers and others and the expenses of criminal cases are regulated. St. 1890, c. 440.

No costs are to be taxed against defendants in criminal cases. The persons to whom fines are payable are determined. St. 1890, c. 440.

The expense of serving the mittimus shall be deemed a part of the expense of prosecution. The copy left when the prisoner is committed shall contain a detailed statement of the fees for commitment. St. 1890, c. 328.

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.

SECTS. 8 and 9, which provide for the taxation, certification and payment of fines and costs and their payment to the county treasurer, are revised. St. 1890, c. 218.

SECT. 13, which provides for semi-annual returns by the sheriff is repealed. St. 1890, c. 218.

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. 211.

They may transfer prisoners between the jails, from the reformatory to the jails and houses of correction and back again. St. 1887, c. 375. 3

Prisoners may be removed from the State farm to any house of correction and returned to the state farm. St. 1890, c. 278.

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. 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 prison 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.

Prisoners may be removed from the State prison to the State farm and returned to the State prison. St. 1890, c. 180.

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.

A subordinate who is unfaithful or incompetent or who uses intoxicating liquor as a beverage will be removed. St. 1890, c. 267.

The person now designated as instructor of the reformatory shall be named the chaplain. St. 1890, c. 255.

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 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. Reccommitments 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.]

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**Statutes, 1882.**

## CHAPTER 28.

AN ACT CONCERNING THE CORRECTION OF ERRORS IN COPIES OF RECORDS OF VOTES AND THE PUBLICITY OF ELECTION RETURNS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## CHAPTER 29.

AN ACT TO AMEND SECTION EIGHTEEN OF CHAPTER FIVE OF THE PUBLIC STATUTES RELATIVE TO CLERICAL ASSISTANCE IN THE STATE LIBRARY.

Repealed. St. 1886, c. 66. P. S., c. 5.

## CHAPTER 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.

1882 — *Continued.*

## 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,  
AND QUARRYING AND OIL COMPANIES.

Amended. St. 1883, c. 74. Affected. Sts. 1884, c. 330, § 3; 1886,  
c. 230. P. S., c. 13.

## CHAPTER 108.

AN ACT TO AUTHORIZE COUNTY COMMISSIONERS TO CONTROL  
TRAVEL OVER BRIDGES CONSTRUCTED OR MAINTAINED IN  
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.

1882—*Continued.*

## CHAPTER 135.

AN ACT PROVIDING FOR APPEALS FROM THE COUNTY COMMISSIONERS TO THE BOARD OF RAILROAD COMMISSIONERS IN CERTAIN CASES.

Shall not apply to the provisions of St. 1890, c. 428. P. S., c. 112.

## CHAPTER 139.

AN ACT TO PERMIT WOMEN TO PRACTICE 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., 116.

## CHAPTER 154.

AN ACT AUTHORIZING TOWNS AND CITIES TO LAY OUT PUBLIC PARKS WITHIN THEIR LIMITS.

Section 1, amended. St. 1890, c. 240. P. S., c. 49.

## 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 RELATING TO THE DISTRIBUTION OF PUBLIC DOCUMENTS.

Superseded. St. 1889, c. 440, § 10. P. S., c. 4.

## 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.



1882 — *Continued.*

## 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.

## 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.

1882 — *Continued.*

## 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. Incorporated. St. 1887, c. 31.  
Section 2, amended. St. 1888, c. 333. Section 6, amount increased. St.  
1885, c. 327. 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 224.

AN ACT TO LIMIT THE INVESTMENTS OF SAVINGS BANKS AND  
INSTITUTIONS FOR SAVINGS IN THE STOCK OF BANKS AND  
BANKING ASSOCIATIONS.

Repealed. St. 1890, c. 168. P. S., c. 116.

## 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.

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. Sts. 1886, c. 37, § 2; 1890, c. 294. 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., 154.

## CHAPTER 237.

AN ACT RELATING TO THE SETTLEMENT OF TITLES TO REAL ESTATE.

Extended. St. 1885, c. 283. Amended. St. 1890, c. 427, § 1. 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. Extended. St. 1890, c. 181. 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 260.

AN ACT TO PREVENT THE COUNTING OF DETACHED STICKERS, SO CALLED, AS BALLOTS.

Repealed. St. 1890, c. 423. § 228. P. S., c. 7.

## 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. St. 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. 244, § 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 42.

AN ACT RELATING TO THE RECOUNTING OF BALLOTS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## 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 55.

AN ACT RELATING TO THE PRINTING AND DISTRIBUTION OF THE LEGISLATIVE MANUAL.

Superseded. St. 1889, c. 440. P. S., c. 4.

## 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.

1883 — *Continued.*

## 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.

## 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.

1883 — *Continued.*

## CHAPTER 158.

AN ACT IN RELATION TO THE RETURNS OF BIRTHS BY PHYSICIANS AND MIDWIVES.

Amended. St. 1889, c. 288. P. S., c. 32.

## 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.

## CHAPTER 202.

AN ACT TO LIMIT THE INVESTMENTS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS IN THE STOCK OF BANKS AND BANKING ASSOCIATIONS.

Repealed. St. 1890, c. 168. P. S., c. 116.

## 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.

1883—*Continued.*

## CHAPTER 224.

AN ACT RELATING TO THE EMPLOYMENT OF CHILDREN IN MANUFACTURING 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.

Repealed. St. 1890, c. 423, § 228. 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.

## 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. Sts. 1884, c. 223; 1888, c. 86. Section 2, repealed. St. 1888, c. 426, § 14. P. S., c. 104.



1883 — *Concluded.*

## 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.

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**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.

1884 — *Continued.*

## 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.

## 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 COM-  
MONWEALTH.

Superseded. St. 1888, c. 385. P. S., c. 15.

1884 — *Continued.*

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 98.

AN ACT CONCERNING CONTAGIOUS DISEASES.

Section 1 is revised. St. 1890, c. 102. P. S., c. 80.

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.

CHAPTER 125.

AN ACT RELATING TO THE DIVISION OF CITIES INTO WARDS.

Repealed. St. 1888, c. 437, § 6. P. S., c. 28.

CHAPTER 155.

AN ACT RELATING TO THE ESTABLISHMENT OF UNION COUNTY TRUANT SCHOOLS.

Superseded. St. 1890, c. 309. P. S., c. 48.

1884—*Continued.*

## 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. Sts. 1888, c. 276; 1890, c. 193. 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 COMPANIES.

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. Sections 3, 4, are amended. St. 1890, c. 58. 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. Section 9 is amended. St. 1890, c. 387. 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.

1884 — *Continued.*

## CHAPTER 247.

AN ACT EXTENDING THE AUTHORITY TO SUMMON WITNESSES.

Repealed. St. 1885, c. 141. P. S., cc. 155, 169.

## 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 in part 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.

1884 — *Continued.*

## 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.

## CHAPTER 298.

AN ACT TO ASCERTAIN BY PROPER PROOFS THE CITIZENS WHO ARE ENTITLED TO THE RIGHT OF SUFFRAGE.

Repealed. St. 1890, c. 423, § 228. P. S., c. 6.

## CHAPTER 299.

AN ACT CONCERNING ELECTIONS AND VOTING THEREIN.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## CHAPTER 304.

AN ACT RELATING TO PRACTICE IN THE SUPERIOR COURT.

Affected. St. 1889, c. 459. Section 1, is amended. St. 1890, c. 154. 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 HOMOEOPATHIC HOSPITAL FOR THE INSANE.

Amended. St. 1890, c. 358.

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.

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**Statutes, 1885.**

## CHAPTER 5.

AN ACT CONCERNING ELECTIONS IN TOWNS.

Repealed. St. 1890, c. 423, § 228. 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 24.

AN ACT RELATIVE TO PUBLICATION AND PRESENTATION TO THE GENERAL COURT OF CERTAIN PETITIONS.

Section 1 is revised. St. 1890, c. 302. P. S., c. 2.

1885 — *Continued.*

## 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.

## CHAPTER 108.

AN ACT CONCERNING THE CORRECTION OF ERRORS IN COPIES OF RECORDS OF VOTES.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## 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 142.

AN ACT IN RELATION TO POLLING PLACES IN CITIES.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## 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.

1885 — *Continued.*

## 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.

## 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' TROOPS OF THE YEAR EIGHTEEN HUNDRED AND  
SIXTY-ONE.

Repealed. St. 1889, c. 301, § 10. P. S., c. 30.

## CHAPTER 183.

AN ACT RELATING TO LIFE AND CASUALTY INSURANCE ON THE  
ASSESSMENT PLAN.

Superseded. St. 1890, c. 421. P. S., c. 119.

1885 — *Continued.*

## 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. Shall not apply to the provisions of St. 1890, c. 428. 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.

## 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.

1885 — *Continued.*

## CHAPTER 222.

AN ACT RELATING TO THE EMPLOYMENT<sup>of</sup> OF CHILDREN IN  
MANUFACTURING AND OTHER ESTABLISHMENTS.

Repealed. St. 1888, c. 348, § 12. P. S., c. 48. <sup>to date</sup>

## CHAPTER 229.

AN ACT IN RELATION TO THE CORRECTION OF RETURNS OF  
VOTES IN CERTAIN CASES.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## 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 COM-  
PANIES.

Amended. St. 1886, c. 270. P. S., c. 13.

## CHAPTER 241.

AN ACT IN RELATION TO FOREIGN FIDELITY ASSURANCE COM-  
PANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 242.

AN ACT GIVING PROBATE COURTS AUTHORITY TO GRANT ORIG-  
INAL ADMINISTRATION AFTER THE EXPIRATION OF TWENTY  
YEARS FROM THE DEATH OF AN INTESTATE.

Repealed. St. 1889, c. 192. P. S., c. 130.

## CHAPTER 246.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TEMPORARY  
REGISTRARS OF VOTERS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## CHAPTER 248.

AN ACT TO PREVENT THE COUNTERFEITING OF BALLOTS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

1885 — *Continued.*

## CHAPTER 252.

AN ACT REGULATING THE BUSINESS OF MAKING SMALL LOANS SECURED BY DEPOSITING WITH THE LENDER HOUSEHOLD GOODS, Etc.

Repealed. St. 1890, c. 416, § 7. P. S., c. 102.

## 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 260.

AN ACT PROVIDING FOR GRANTING ADMINISTRATION WITHOUT NOTICE IN CERTAIN CASES.

Amended. St. 1890, c. 265. P. S., c. 130.

## CHAPTER 261.

AN ACT AUTHORIZING SELECTMEN TO APPOINT TELLERS IN TOWN MEETINGS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 27.

## CHAPTER 262.

AN ACT TO PROVIDE FOR RECOUNTING BALLOTS CAST IN CITIES UPON THE QUESTION OF GRANTING LICENSES FOR THE SALE OF INTOXICATING LIQUORS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## CHAPTER 265.

AN ACT AUTHORIZING THE FORMATION OF CORPORATIONS FOR THE PURPOSE OF CREMATING THE BODIES OF THE DEAD.

Section 2, amended. St. 1886, c. 101, § 4. P. S., c. 82.

## CHAPTER 268.

AN ACT RELATIVE TO THE OATH OF SUPERVISORS OF ELECTIONS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

1885 — *Continued.*

## CHAPTER 271.

AN ACT RELATING TO THE ASSESSMENT AND REGISTRATION OF VOTERS.

Repealed. St. 1890, c. 423, § 228. 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 283.

AN ACT RELATING TO THE SETTLEMENT OF TITLES TO REAL ESTATE

Amended. St. 1890, c. 427, § 1. P. S., c. 176.

## CHAPTER 291.

AN ACT PROVIDING FOR THE APPOINTMENT OF OFFICIAL STENOGRAPHERS 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 304.

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

Amount increased. St. 1890, c. 192. P. S., c. 158.

## 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.

1885—*Continued.*

## 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; 1890, cc. 120, 121, 135, 142, 203, 258, 271. Section 4, amended. St. 1889, c. 372. P. S., c. 29.

## 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 PRIS-  
ONERS 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 FAC-SIMILE  
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.



1885—*Continued.*

## 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.

## 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 351.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT CONCERNING ELECTIONS IN TOWNS."

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## 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.

**1885** — *Concluded.*

## 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.

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**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 37.

AN ACT RELATING TO THE SALARIES OF CERTAIN COURT OFFICERS IN THE COUNTY OF SUFFOLK.

Section 2 is amended. St. 1890, c. 294. P. S., c. 159.

## 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.

## 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.

Repealed. St. 1890, c. 423, § 228. 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.

1886 — *Continued.*

## 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.

Repealed. St. 1890, c. 423, § 228. P. S., c. 6.

## CHAPTER 78.

AN ACT IN RELATION TO NOTICES OF CHANGES IN WARDS AND VOTING PRECINCTS IN CITIES.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## 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.

## 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.

1886—*Continued.*

## CHAPTER 95.

AN ACT TO LIMIT THE AMOUNT WHICH SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS MAY DEPOSIT IN ANY ONE NATIONAL BANK OR TRUST COMPANY.

Repealed. St. 1890, c. 168. P. S., c. 116.

## 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 125.

AN ACT TO AUTHORIZE RAILROAD CORPORATIONS TO JOIN CERTAIN RELIEF SOCIETIES.

Extended. St. 1890, c. 181. P. S., c. 115.

## 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.

1886—*Continued.*

## 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 173.

AN ACT RELATING TO PROVIDING MEANS OF COMMUNICATION BETWEEN ROOMS IN MANUFACTURING ESTABLISHMENTS, ETC.

Section 1 is amended. St. 1890, c. 179. P. S., c. 104.

## 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.

## CHAPTER 187.

AN ACT ESTABLISHING THE SALARIES OF CERTAIN CLERKS, ETC., IN THE DEPARTMENT OF THE INSURANCE COMMISSIONER.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 192.

AN ACT FOR THE PROTECTION OF THE FISHERIES IN BUZZARD'S BAY.

Section 4, amended. St. 1887, c. 197. P. S., c. 91.

## CHAPTER 194.

AN ACT TO EXEMPT THE WAGES AND LAY OF SEAMEN FROM ATTACHMENT BY THE TRUSTEE PROCESS.

Limited. St. 1890, c. 289. P. S., c. 183.

## CHAPTER 202.

AN ACT TO PROHIBIT THE SEINING OF BLUEFISH IN THE WATERS OF VINEYARD SOUND OPPOSITE THE TOWNS OF BARNSTABLE AND MASIPEE.

Repealed. St. 1887, c. 120. P. S., c. 91.

1886 — *Continued.*

## CHAPTER 216.

AN ACT RELATIVE TO THE APPOINTMENT OF A LAW CLERK AS AN ASSISTANT IN THE ATTORNEY-GENERAL'S DEPARTMENT.

Affected. St. 1889, c. 402; 1888, c. 425. P. S., c. 17.

## CHAPTER 222.

AN ACT EXTENDING THE POWERS OF CERTAIN INSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 231.

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 237.

AN ACT TO ESTABLISH THE SALARIES OF THE ADJUTANT-GENERAL AND THE FIRST CLERK IN THE DEPARTMENT OF THE ADJUTANT-GENERAL.

Superseded. St. 1887, c. 411, § 13. P. S., c. 14.

## CHAPTER 241.

AN ACT TO PROVIDE FOR THE CARE AND EDUCATION OF CHILDREN WHO ARE BOTH DEAF MUTES AND BLIND.

Repealed. Sts. 1887, c. 179, § 2; 1888, c. 239. P. S., c. 41.

## 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.

## CHAPTER 252.

AN ACT TO ESTABLISH THE SALARIES OF THE COMMISSIONERS OF SAVINGS BANKS AND OF THE FIRST AND SECOND CLERKS OF SAID COMMISSIONERS.

Section 1, repealed. St. 1889, c. 77. Section 3, superseded. St. 1889, c. 321. P. S., c. 116.

**1886** — *Continued.*

## CHAPTER 259.

AN ACT TO PROVIDE FOR RETURNS OF CERTIFICATES OF DAMAGE BY DOGS, Etc.

Section 1, repealed. St. 1889, c. 454, § 6. P. S., c. 102.

## CHAPTER 260.

AN ACT RELATIVE TO REPORTS OF ACCIDENTS IN FACTORIES AND MANUFACTURING ESTABLISHMENTS.

Section 1 is amended. St. 1890, c. 83. P. S., c. 104.

## CHAPTER 262.

AN ACT TO PROVIDE FOR A RECOUNT OF BALLOTS CAST AT ELECTIONS HELD IN TOWNS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 27.

## CHAPTER 263.

AN ACT TO PROVIDE FOR A STATE BOARD OF ARBITRATION, Etc.

Amended. St. 1887, c. 269. Section 1, amended. St. 1888, c. 261. Section 4 is amended. St. 1890, c. 385. P. S., c. 74.

## CHAPTER 264.

AN ACT TO PROVIDE FOR PRECINCT VOTING IN TOWNS.

Repealed. St. 1890, c. 423, § 228.

## CHAPTER 274.

AN ACT TO PROTECT THE PURITY OF INLAND WATERS.

Repealed. St. 1888, c. 375. P. S., c. 80.

## CHAPTER 276.

AN ACT FOR THE BETTER PRESERVATION OF BIRDS AND GAME.

Section 1, amended. Section 1 is superseded and section 3, affected. St. 1890, c. 249. St. 1888, c. 292. Section 6, limited. St. 1887, c. 300. P. S., c. 92.

## CHAPTER 283.

AN ACT TO ESTABLISH WARDS, PRECINCTS AND ASSESSMENT DISTRICTS IN THE CITIES OF THE COMMONWEALTH.

Section 1, amended. St. 1889, c. 115. P. S., c. 28.

**1886** — *Concluded.*

## CHAPTER 295.

AN ACT TO ESTABLISH THE OFFICE OF AUDITOR IN TOWNS.

Amended. St. 1888, c. 221. Affected. Sts. 1889, c. 191; 1890, c. 254. P. S., c. 27.

## CHAPTER 298.

AN ACT CONCERNING THE MASSACHUSETTS SCHOOL FOR THE FEEBLE MINDED

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 319.

AN ACT CONCERNING THE COMMITMENT AND CUSTODY OF INSANE PERSONS.

Section 3 is amended. St. 1890, c. 414. P. S., c. 87.

## 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.

AN ACT TO ESTABLISH THE SALARIES OF THE CLERKS IN THE DEPARTMENT OF THE TREASURER AND RECEIVER-GENERAL.

Amended. St. 1889, c. 349. P. S., c. 16.

## CHAPTER 346.

AN ACT IN RELATION TO GAS COMPANIES.

Sections 1, 2, 5, extended. St. 1887, c. 382. Section 2, amended. St. 1888, c. 122. P. S., c. 61.

**Statutes, 1887.**

## CHAPTER 24.

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

In part repealed. St. 1889, c. 324. P. S., c. 159.



**1887**—*Continued.*

## CHAPTER 38.

AN ACT REGULATING THE SALE AND PURCHASE OF POISONS.

Repealed. St. 1888, c. 209, § 2. P. S., c. 208.

## CHAPTER 86.

AN ACT IN RELATION TO THE ASSESSMENT OF TAXES.

Superseded. St. 1890, c. 242. P. S., c. 11.

## CHAPTER 96.

AN ACT RELATING TO THE TAKING OF SCALLOPS.

Section 1, limited. St. 1888, c. 238. P. S., c. 91.

## CHAPTER 103.

AN ACT TO SECURE PROPER SANITARY PROVISIONS IN FACTORIES  
AND WORKSHOPS.

Amended. St. 1888, c. 305. P. S., cc. 48, 74.

## CHAPTER 105.

AN ACT TO PROTECT THE FISHERIES IN THE TRIBUTARIES OF  
PLUM ISLAND BAY.

Section 2 is amended. St. 1890, c. 30. P. S., c. 91.

## CHAPTER 110.

AN ACT IN RELATION TO THE ACCOUNTS OF COLLECTORS OF  
TAXES.

Superseded. St. 1888, c. 390. 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.

1887—*Continued.*

## 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 147.

AN ACT TO PREVENT THE DEFAACING OR INJURY OF VOTING LISTS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## 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.

## CHAPTER 197.

AN ACT CONCERNING THE USE OF GILL NETS OR SET NETS WITHIN ONE HALF MILE OF THE SHORES OF THE TOWN OF MATTAPOISETT.

Repealed. St. 1890, c. 229. P. S., c. 91.

## CHAPTER 202.

AN ACT IN RELATION TO THE RETURNS AND RECORD OF BIRTHS, MARRIAGES AND DEATHS.

Section 5 is amended. St. 1890, c. 402. P. S., c. 32.

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. Sections 7, 82 are amended. St. 1890, c. 304. Sections 42, 43, 44 are revised. St. 1890, c. 26. Sections 78–82 are affected. St. 1890, c. 197. P. S., c. 119.

## CHAPTER 215.

AN ACT TO SECURE UNIFORM AND PROPER MEAL TIMES FOR CHILDREN, YOUNG PERSONS AND WOMEN EMPLOYED IN FACTORIES AND WORKSHOPS.

Amended. St. 1887, c. 330. Affected. St. 1887, c. 280, § 1. P. S., c. 74.

## CHAPTER 219.

AN ACT TO AMEND SECTION TWENTY-THREE OF CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC STATUTES RELATING TO THE AUTHORITY OF INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

Repealed. St. 1887, c. 276. P. S., c. 104.

## CHAPTER 234.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF POLICE MATRONS, ETC.

Extended. St. 1888, c. 181. P. S., c. 220.

## CHAPTER 249.

AN ACT TO AMEND SECTION FIFTY-TWO OF CHAPTER TWENTY-SEVEN OF THE PUBLIC STATUTES RELATIVE TO THE QUALIFICATION OF VOTERS IN TOWN AFFAIRS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 27.

1887 — *Continued.*

## CHAPTER 266.

AN ACT TO AMEND PUBLIC STATUTES, CHAPTER EIGHTY-ONE, SECTION FIFTY-ONE, RELATIVE TO GIVING NOTICES TO THE OVERSEERS OF THE POOR OF CITIES AND TOWNS RELATIVE TO COMMITMENTS TO THE INDUSTRIAL OR REFORM SCHOOL.

Repealed. St. 1888, c. 248, § 2. P. S., c. 89.

## CHAPTER 269.

AN ACT TO AMEND AN ACT TO PROVIDE A STATE BOARD OF ARBITRATION, Etc.

Section 1, amended. St. 1888, c. 261. Section 3 is amended. St. 1890, c. 385. P. S., c. 74.

## CHAPTER 270.

AN ACT TO EXTEND AND REGULATE THE LIABILITY OF EMPLOYERS TO MAKE COMPENSATION FOR PERSONAL INJURIES SUFFERED BY EMPLOYEES IN THEIR SERVICE.

Section 3, amended. St. 1888, c. 155. P. S., c. 74.

## CHAPTER 272.

AN ACT TO FACILITATE VOTING BY EMPLOYEES.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## 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 283.

AN ACT CONCERNING TAXATION OF INSURANCE COMPANIES.

Extended to other companies. St. 1890, c. 197. P. S., c. 13.

## CHAPTER 295.

AN ACT RELATING TO THE AWARDS OF SPECIAL COMMISSIONS IN THE ALTERATIONS OF CROSSINGS OF HIGHWAYS OR TOWNWAYS AND RAILROADS.

Shall not apply to the provisions of St. 1890, c. 428. P. S., c. 112.

**1887**—*Continued.*

## 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 371.

AN ACT CONCERNING THE CONDUCT OF TOWN MEETINGS DURING THE ELECTION OF MODERATORS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 27.

## CHAPTER 373.

AN ACT EXTENDING THE PROVISIONS OF THE PUBLIC STATUTES RELATING TO THE TAXABLE VALUATION OF VESSELS ENGAGED IN THE FOREIGN CARRYING TRADE.

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.

AN ACT CONCERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS

Sections 33, 42, 119, 128, 147, 148, amended. St. 1889, c. 360. Sections 26, 28, 55, 58, 65, 69, 70, 71, 73, 124, 133 are amended and section 168 is added. St. 1890, c. 425. P. S., c. 14.

## CHAPTER 423.

AN ACT RELATING TO THE INVESTMENTS OF SAVINGS BANKS.

Repealed. St. 1888, c. 90. P. S., c. 116.

## CHAPTER 432.

AN ACT WITH REFERENCE TO REGISTRARS OF VOTERS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 6.

1887—*Continued.*

## CHAPTER 433.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS WHO CAN NOT READ AND WRITE THE ENGLISH LANGUAGE.

Section 1, repealed. St. 1888, c. 348, § 12. Section 2, amended. Sts. 1889, c. 135; 1890, cc. 48, 299. P. S., c. 48.

## CHAPTER 437.

AN ACT GIVING PREFERENCE IN APPOINTMENTS TO OFFICE TO HONORABLY DISCHARGED SOLDIERS AND SAILORS WITHOUT CIVIL SERVICE EXAMINATIONS.

Affected. St. 1889, c. 473.

## CHAPTER 438.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A CONTROLLER TO AUDIT THE ACCOUNTS OF COUNTY OFFICERS, Etc.

Affected. St. 1888, c. 275. Section 2 is amended. St. 1890, c. 306. Section 5 is amended. St. 1890, c. 216. P. S., c. 16.

## CHAPTER 441.

AN ACT IN AID OF THE HOSPITAL COTTAGES FOR CHILDREN IN BALDWINSVILLE IN THE TOWN OF TEMPLETON.

Section 4, in part superseded. St. 1889, c. 230, § 2. Section 2 is in part repealed. St. 1890, c. 354. P. S., c. 86.

## CHAPTER 442.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-TWO OF THE PUBLIC STATUTES IN RELATION TO THE EXAMINATION AND ARREST OF POOR DEBTORS.

Section 1, amended. St. 1889, c. 415, § 1. P. S., c. 162.

## CHAPTER 443.

AN ACT TO REQUIRE AND REGULATE THE USE OF SELF-REGISTERING AND CANCELLING BALLOT-BOXES IN TAKING THE VOTE UPON THE QUESTION OF GRANTING LIQUOR LICENSES.

Repealed. St. 1888, c. 434, § 6. P. S., c. 100.

**1887** — *Concluded.*

## CHAPTER 417.

AN ACT RELATING TO THE LABOR OF THE PRISONERS IN THE STATE PRISON, REFORMATORIES AND HOUSES OF CORRECTION.

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.

AN ACT TO DEFINE THE MEANING OF THE WORDS "CONTRACT FOR THE LABOR OF PRISONERS," Etc.

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 90.

AN ACT RELATING TO THE INVESTMENTS OF SAVINGS BANKS

Amended. St. 1890, c. 369. P. S., c. 116.

## CHAPTER 120.

AN ACT RELATING TO THE MEMBERS OF THE CORPORATION OF SAVINGS BANKS.

Amended. St. 1890, c. 222. P. S., c. 116.

1888 — *Continued.*

## CHAPTER 122.

AN ACT TO AUTHORIZE THE PRINTING OF ADDITIONAL COPIES OF THE ANNUAL REPORT OF THE BOARD OF GAS COMMISSIONERS

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

## CHAPTER 127.

AN ACT TO AMEND SECTIONS FORTY AND FORTY-ONE OF CHAPTER ONE HUNDRED AND SIXTEEN OF THE PUBLIC STATUTES RELATING TO THE ANNUAL REPORTS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

In part superseded. St. 1890, c. 44. P. S., cc. 4, 116.

## CHAPTER 146.

AN ACT TO ENABLE TOWNS TO DISCONTINUE VOTING PRECINCTS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 27.

## CHAPTER 148.

AN ACT IN RELATION TO AFFIDAVITS OF NOTICE OF APPOINTMENT AND SALES OF REAL ESTATE BY ADMINISTRATORS AND EXECUTORS.

Affected. St. 1888, c. 380. P. S., cc. 132, 134.

## CHAPTER 149.

AN ACT TO CAUSE PROPER SANITARY PROVISIONS AND PROPER VENTILATION IN PUBLIC BUILDINGS AND SCHOOL HOUSES.

Appeal given. St. 1890, c. 438. P. S., c. 48.

## 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 164.

AN ACT RELATIVE TO THE DECLARATION OF THE RESULTS OF ELECTIONS IN CITIES, ETC.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.



1888 — *Continued.*

## 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.

## CHAPTER 191.

AN ACT RELATING TO THE PUBLICATION OF THE ANNUAL REPORT OF THE BOARD OF COMMISSIONERS OF SAVINGS BANKS.

Superseded. St. 1889, c. 440. P. S., cc. 4, 116.

## CHAPTER 199.

AN ACT IN RELATION TO RETURNS AND STATISTICS OF FIRES.

Repealed. St. 1889, c. 451, § 8. P. S., c. 35.

## CHAPTER 200.

AN ACT EXTENDING THE TIME IN WHICH PERSONS MAY APPLY FOR ASSESSMENT OF TAXES AND PROVIDING FOR EVENING SESSIONS OF THE ASSESSORS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 6.

## CHAPTER 203.

AN ACT PROHIBITING STATEMENTS RELATIVE TO THE VOTING AT ELECTIONS IN TOWNS PRIOR TO THE PUBLIC DECLARATION THEREOF.

Repealed. St. 1890, c. 423, § 228. P. S., c. 27.

## CHAPTER 206.

AN ACT REQUIRING ASSESSORS OF TAXES IN TOWNS TO POST LISTS OF PERSONS ASSESSED FOR POLL TAXES.

Repealed. St. 1890, c. 423, § 228. P. S., c. 27.

## CHAPTER 207.

AN ACT TO AMEND SECTION TWENTY OF CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC STATUTES SO AS TO PROVIDE FOR FIRE-RESISTING CURTAINS IN THEATRES.

Repealed. St. 1888, c. 426, § 14. P. S., c. 104.

1888—*Continued.*

## CHAPTER 221.

AN ACT TO AMEND AN ACT TO ESTABLISH THE OFFICE OF  
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Affected. Sts. 1889, c. 191; 1890, c. 254. P. S., c. 27.

## CHAPTER 239.

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Extended. St. 1889, c. 226. P. S., c. 41.

## CHAPTER 254.

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Section 1, amended. St. 1889, c. 347. P. S., c. 100.

## CHAPTER 256.

AN ACT CONCERNING THE PRINTING AND DISTRIBUTION OF  
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Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

## CHAPTER 257.

AN ACT RELATING TO THE SALARIES OF THE CLERKS OF COURTS  
AND THE PAYMENT OF FEES IN THE SUPERIOR COURT AND  
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Section 3 amended. St. 1890, cc. 209, 360.

## CHAPTER 262.

AN ACT RELATIVE TO THE CONDITIONS UPON WHICH LICENSES  
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Amended. St. 1889, c. 361. P. S., c. 100.

## CHAPTER 264.

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Superseded. St. 1889, c. 412. P. S., c. 221.

1888 — *Continued.*

CHAPTER 276.

AN ACT TO LIMIT THE TIME WITHIN WHICH TROUT, LAND-LOCKED SALMON AND LAKE TROUT MAY BE TAKEN IN BERKSHIRE COUNTY.

Repealed. St. 1890, c. 193. P. S., c. 91.

CHAPTER 280.

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

Affected. St. 1889, c. 418. P. S., c. 158.

CHAPTER 288.

AN ACT CONCERNING THE FEES FOR THE PILOTAGE OF VESSELS IN AND OUT OF WOOD'S HOLL HARBOR.

Repealed. St. 1889, c. 275. P. S., c. 70.

CHAPTER 292.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-SIX OF THE ACT OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SIX BEING AN ACT FOR THE BETTER PRESERVATION OF BIRDS AND GAME.

Amended. St. 1890, c. 249. P. S., c. 92.

CHAPTER 304.

AN ACT CONCERNING THE ELECTION AND THE POWERS AND DUTIES OF TRUSTEES OF FREE PUBLIC LIBRARIES OR FREE PUBLIC LIBRARIES AND READING ROOMS IN TOWNS.

Amended. St. 1889, c. 112. P. S., c. 40.

CHAPTER 316.

AN ACT TO REGULATE THE ERECTION AND CONSTRUCTION OF CERTAIN BUILDINGS.

Appeal given. St. 1890, c. 438. P. S., c. 104.

CHAPTER 335.

AN ACT IN RELATION TO THE OFFICERS OF THE MASSACHUSETTS REFORMATORY.

Superseded. St. 1889, c. 408. P. S., c. 221.

1888 — *Continued.*

## CHAPTER 337.

AN ACT IN RELATION TO THE APPROVAL OF BILLS CONTRACTED FOR THE STATE PRISON, THE MASSACHUSETTS REFORMATORY AND THE REFORMATORY PRISON FOR WOMEN.

Repealed. St. 1889, c. 294. P. S., c. 221.

## CHAPTER 348.

AN ACT IN RELATION TO THE EMPLOYMENT OF CHILDREN.

Section 4 is added to. St. 1890, c. 299. Section 7 is amended. St. 1889, c. 291. P. S., c. 48.

## CHAPTER 353.

AN ACT RELATING TO BALLOTS CAST BY WOMEN IN ELECTIONS FOR MEMBERS OF SCHOOL COMMITTEES.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## CHAPTER 365.

AN ACT IN RELATION TO THE EVIDENCE GIVEN AT INQUESTS.

Extended. St. 1889, c. 154. P. S., c. 26.

## CHAPTER 375.

AN ACT TO PROTECT THE PURITY OF INLAND WATERS, Etc.

Added to. St. 1890, c. 441. P. S., c. 80.

## CHAPTER 382.

AN ACT FOR THE FINAL DETERMINATION OF CONTESTS CONCERNING THE APPOINTMENT OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

Repealed. St. 1890, c. 423, § 228. P. S., c. 9.

## CHAPTER 388.

AN ACT RELATIVE TO THE DISCHARGE OF SMALL LOANS AND THE REDEMPTION OF THE SECURITY GIVEN FOR SUCH LOANS.

Limited. St. 1890, c. 416, § 6. P. S., c. 102.

## CHAPTER 390.

AN ACT TO AMEND AND CODIFY THE STATUTES RELATING TO 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. Section 7 is further amended. St. 1890, c. 331, § 2. P. S., c. 12.

1888 — *Concluded.*

## CHAPTER 413.

AN ACT IN RELATION TO SAFE DEPOSIT, LOAN AND TRUST COMPANIES.

Affected. St. 1890, c. 315. P. S., c. 118a.

## CHAPTER 419.

AN ACT RELATING TO PROCEDURE IN POOR DEBTOR MATTERS.

Amended. St. 1889, c. 415. P. S., c. 162.

## CHAPTER 426.

AN ACT IN RELATION TO WAYS OF EGRESS AND MEANS OF ESCAPE FROM FIRE IN CERTAIN BUILDINGS.

Appeal given. St. 1890, c. 438. P. S., c. 104.

## CHAPTER 429.

AN ACT CONCERNING FRATERNAL BENEFICIARY CORPORATIONS.

Not affected by St. 1890, c. 421, § 1. Sections 9–12 are amended. St. 1890, c. 341. P. S., c. 119.

## CHAPTER 431.

AN ACT TO AID SMALL TOWNS TO PROVIDE THEMSELVES WITH SCHOOL SUPERINTENDENTS.

Section 4 is amended. St. 1890, c. 379. P. S., c. 44.

## CHAPTER 434.

AN ACT TO PROVIDE FOR TAKING THE VOTE UPON THE QUESTION OF GRANTING LIQUOR LICENSES IN TOWNS, Etc.

Repealed. St. 1890, c. 423, § 228. P. S., c. 27.

## 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. Section 20 is affected. St. 1890, c. 219. P. S., c. 7.

## CHAPTER 438.

AN ACT FOR THE RELIEF, IN CASES OF NECESSITY, OF PERSONS WHO SERVED IN THE ARMY OR NAVY OF THE UNITED STATES DURING THE WAR OF THE REBELLION AND THEIR DEPENDENT FAMILIES.

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.

## CHAPTER 35.

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

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

## CHAPTER 69.

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

Repealed. St. 1890, c. 423, § 228. P. S., c. 6.

## CHAPTER 98.

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

Error corrected. St. 1889, c. 178. P. S., c. 27.

## CHAPTER 101.

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

Section 1 is repealed. St. 1890, c. 239. P. S., c. 15.

## CHAPTER 108.

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

Affected. St. 1890, c. 132. P. S., c. 50.

## CHAPTER 114.

AN ACT TO FIX THE PENALTIES FOR VIOLATIONS OF THE LIQUOR LAWS.

Operation restricted. St. 1889, c. 268. P. S., c. 100.

1889—*Continued.*

CHAPTER 124.

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

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

CHAPTER 135.

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

Affected. St. 1890, c. 48. P. S., c. 74.

CHAPTER 150.

AN ACT PROVIDING FOR PRINTING THE JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

CHAPTER 164.

AN ACT PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE REPORT OF THE TRUSTEES OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

CHAPTER 186.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUOR ON DAYS OF SPECIAL ELECTIONS IN CITIES.

Extended. St. 1889, c. 361. P. S., c. 100.

CHAPTER 196.

AN ACT TO REGULATE THE ASSESSMENT AND REGISTRATION OF VOTERS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 6.

CHAPTER 212.

AN ACT TO PROVIDE FOR THE FURTHER AND SPEEDIER PUBLICATION OF THE LAWS.

Repealed. St. 1889, c. 440, § 14. P. S., c. 4.

1889—*Continued.*

## CHAPTER 237.

AN ACT FIXING THE TIMES AND PLACES FOR HOLDING PROBATE COURTS FOR THE COUNTY OF PLYMOUTH.

Amended. St. 1889, c. 269. P. S., c. 156.

## CHAPTER 298.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO FURNISH RELIEF TO SOLDIERS, SAILORS, Etc.

Superseded. St. 1890, c. 447. P. S., c. 30.

## CHAPTER 334.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY OF THE ACTS OF THE YEAR 1888 RELATING TO THE COLLECTION OF TAXES.

Section 3 amended. St. 1890, c. 331, § 2.

Section 4 is affected. St. 1890, c. 331, § 1. P. S., c. 12.

## CHAPTER 404.

AN ACT RELATIVE TO THE COLLECTION OF TAX BILLS AND THE REGISTRATION OF VOTERS.

Sections 1, 3, 4, 5 are repealed. St. 1890, c. 423, § 228. P. S., c. 6.

## CHAPTER 408.

AN ACT IN RELATION TO THE OFFICERS OF THE MASSACHUSETTS REFORMATORY.

Section 1 is amended. St. 1890, c. 255. P. S., c. 221.

## CHAPTER 413.

AN ACT TO AMEND AN ACT TO PROVIDE FOR PRINTING AND DISTRIBUTING BALLOTS AT PUBLIC EXPENSE, Etc.

Sections 21–30 are extended. St. 1890, c. 386.

Amended. St. 1890, c. 436. P. S., c. 7.

## CHAPTER 414.

AN ACT TO ESTABLISH THE MASSACHUSETTS HOSPITAL FOR DIPSO-MANIACS AND INEBRIATES.

Section 4 is amended. St. 1890, c. 251. P. S., c. 87.



**1889** — *Concluded.*

## CHAPTER 415.

AN ACT RELATING TO THE PROCEDURE IN POOR DEBTOR MATTERS.

Section 3 is amended. St. 1890, c. 128. P. S., c. 162.

## CHAPTER 440.

AN ACT CONCERNING THE PRINTING AND DISTRIBUTION OF THE  
LAW AND PUBLIC DOCUMENTS.

Section 7 is added to. St. 1890, c. 50, 97, 126. P. S., c. 4.

## CHAPTER 442.

AN ACT TO PROVIDE FOR DETERMINING THE VALIDITY, NATURE  
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Amended. St. 1890, c. 427, § 2. P. S., c. 176.

## CHAPTER 452.

AN ACT RELATIVE TO THE CARRYING ON OF THE BUSINESS OF  
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Affected. St. 1890, c. 310. P. S., c. 117.

## CHAPTER 464.

AN ACT CONCERNING THE ATTENDANCE OF CHILDREN IN THE  
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Section 1 is amended. St. 1890, c. 384. P. S., c. 44.

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**Statutes, 1890.**

## CHAPTER 175.

AN ACT TO PROVIDE FOR THE RETURN OF RECORDS OF VOTES  
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Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## CHAPTER 219.

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Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

**1890** — *Concluded.*

## CHAPTER 223.

AN ACT TO PROVIDE FOR RETURNS AND PUBLICATION OF THE NUMBER OF ASSESSED POLLS, REGISTERED VOTERS AND BALLOTS CAST AT CITY, TOWN AND STATE ELECTIONS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 7.

## CHAPTER 230.

AN ACT TO PROVIDE FOR LICENSING PERSONS TO KEEP MORE THAN FOUR HORSES IN CERTAIN BUILDINGS OR PLACES.

Amended. St. 1890, c. 395. P. S., c. 102.

## CHAPTER 284.

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Added to. St. 1890, c. 452. P. S., c. 212.

## CHAPTER 305.

AN ACT TO PROVIDE FOR THE PRINTING OF LISTS OF ASSESSED POLLS IN TOWNS CONTAINING OVER FIVE THOUSAND INHABITANTS.

Repealed. St. 1890, c. 423, § 228. P. S., c. 27.

## CHAPTER 355.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO INCUR INDEBTEDNESS, Etc.

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